

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
1st Legislative Day
Wednesday, December 2, 1998

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

Prayer by Reverend Sharon L. Hughes, St. Ansgar Evangelical Lutheran Church, Portland.

National Anthem by King Middle School Select Chorus, Portland.

Pledge of Allegiance.

Doctor of the day, Peter C. Goth, M.D., Bremen.

COMMUNICATIONS

The Following Communication: (H.C. 1)

STATE OF MAINE

Office of the Secretary of State

December 2, 1998

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

I, DAN A. GWADOSKY, Secretary of State, pursuant to the provisions of Title 3 MRSA, Section 1, hereby certify that the following are the names and residences of the Representatives-elect to the One Hundred and Nineteenth Legislature, in accordance with the tabulation submitted to the Governor on November 23, 1998:

DISTRICT 1 KENNETH F. LEMONT, Kittery
DISTRICT 2 MARY BLACK ANDREWS, York
DISTRICT 3 GARY J. WHEELER, Eliot
DISTRICT 4 JAY MACDOUGALL, North Berwick
DISTRICT 5 ELEANOR M. MURPHY, Berwick
DISTRICT 6 HOWARD A. CHICK, Lebanon
DISTRICT 7 RONALD F. COLLINS, Wells
DISTRICT 8 THOMAS W. MURPHY, JR., Kennebunk
DISTRICT 9 DAVID E. BOWLES, Sanford
DISTRICT 10 JOHN L. TUTTLE, JR., Sanford
DISTRICT 11 RICHARD A. NASS, Acton
DISTRICT 12 MICHAEL J. MCALEVEY, Waterboro
DISTRICT 13 ROBERT A. DAIGLE, Arundel
DISTRICT 14 WILLIAM R. SAVAGE, Buxton
DISTRICT 15 CHRISTOPHER P. O'NEIL, Saco
DISTRICT 16 THOMAS J. KANE, Saco
DISTRICT 17 NANCY B. SULLIVAN, Biddeford
DISTRICT 18 ROGER D. FRECHETTE, Biddeford
DISTRICT 19 JOANNE T. TWOMEY, Biddeford
DISTRICT 20 DAVID G. LEMOINE, Old Orchard Beach
DISTRICT 21 GLENYS P. LOVETT, Scarborough
DISTRICT 22 HAROLD A. CLOUGH, Scarborough
DISTRICT 23 JANICE E. LABRECQUE, Gorham
DISTRICT 24 PETER E. CIANCHETTE, South Portland
DISTRICT 25 JEAN GINN MARVIN, Cape Elizabeth
DISTRICT 26 CHRISTOPHER T. MUSE, South Portland
DISTRICT 27 KEVIN J. GLYNN, South Portland
DISTRICT 28 RONALD E. USHER, Westbrook
DISTRICT 29 ROBERT W. DUPLESSIE, Westbrook
DISTRICT 30 BENJAMIN F. DUDLEY, Portland
DISTRICT 31 MICHAEL V. SAXL, Portland

DISTRICT 32 JOHN F. MCDONOUGH, Portland
DISTRICT 33 MICHAEL W. QUINT, Portland
DISTRICT 34 WILLIAM S. NORBERT, Portland
DISTRICT 35 G. STEVEN ROWE, Portland
DISTRICT 36 ELIZABETH TOWNSEND, Portland
DISTRICT 37 MICHAEL F. BRENNAN, Portland
DISTRICT 38 JOSEPH BRUNO, Raymond
DISTRICT 39 DAVID L. TOBIN, Windham
DISTRICT 40 GERALD M. DAVIS, Falmouth
DISTRICT 41 CLIFTON E. FOSTER, Gray
DISTRICT 42 TERRENCE P. MCKENNEY, Cumberland
DISTRICT 43 ADAM MACK, Standish
DISTRICT 44 JOHN T. BUCK, Yarmouth
DISTRICT 45 HARRY G. TRUE, Fryeburg
DISTRICT 46 G. PAUL WATERHOUSE, Bridgton
DISTRICT 47 RICHARD H. THOMPSON, Naples
DISTRICT 48 THOMAS BULL, Freeport
DISTRICT 49 JOHN G. RICHARDSON, Brunswick
DISTRICT 50 THOMAS M. DAVIDSON, Brunswick
DISTRICT 51 DAVID M. ETNIER, Harpswell
DISTRICT 52 VERDI L. TRIPP, Topsham
DISTRICT 53 DAVID C. SHIAH, Bowdoinham
DISTRICT 54 ARTHUR F. MAYO, III, Bath
DISTRICT 55 JUDITH B. PEAVEY, Woolwich
DISTRICT 56 WENDY PIEH, Bremen
DISTRICT 57 BENJAMIN L. RINES, JR., Wiscasset
DISTRICT 58 KENNETH A. HONEY, Boothbay
DISTRICT 59 A. DAVID TRAHAN, Waldoboro
DISTRICT 60 CHRISTINE R. SAVAGE, Union
DISTRICT 61 JAMES G. SKOGLUND, St. George
DISTRICT 62 DEBORAH KALER MCNEIL, Rockland
DISTRICT 63 JUDITH A. POWERS, Rockport
DISTRICT 64 THEODORE H. HEIDRICH, Oxford
DISTRICT 65 ARLAN R. JODREY, Bethel
DISTRICT 66 MONICA MCGLOCKLIN, Embden
DISTRICT 67 BRUCE S. BRYANT, Dixfield
DISTRICT 68 TOM J. WINSOR, Norway
DISTRICT 69 ROSITA GAGNE, Buckfield
DISTRICT 70 ROBERT A. CAMERON, Rumford
DISTRICT 71 LOIS A. SNOWE-MELLO, Poland
DISTRICT 72 THOMAS F. SHIELDS, Auburn
DISTRICT 73 BELINDA A. GERRY, Auburn
DISTRICT 74 BRIAN BOLDUC, Auburn
DISTRICT 75 PATRICIA T. JACOBS, Turner
DISTRICT 76 ROLAND B. SAMSON, Jay
DISTRICT 77 CHARLES C. LAVERDIERE, Wilton
DISTRICT 78 WALTER R. GOOLEY, Farmington
DISTRICT 79 LINDA R. MCKEE, Wayne
DISTRICT 80 ELAINE FULLER, Manchester
DISTRICT 81 RICHARD H. C. TRACY, Rome
DISTRICT 82 ELIZABETH WATSON, Farmingdale
DISTRICT 83 BONNIE GREEN, Monmouth
DISTRICT 84 NANCY L. CHIZMAR, Lisbon
DISTRICT 85 WILLIAM J. SCHNEIDER, Durham
DISTRICT 86 RICHARD H. MAILHOT, Lewiston
DISTRICT 87 WILLIAM R. COTE, Lewiston
DISTRICT 88 STAVROS J. MENDROS, Lewiston
DISTRICT 89 ALBERT P. GAMACHE, Lewiston
DISTRICT 90 GERALD N. BOUFFARD, Lewiston
DISTRICT 91 PATRICK COLWELL, Gardiner
DISTRICT 92 SCOTT W. COWGER, Hallowell
DISTRICT 93 RANDALL L. BERRY, Livermore
DISTRICT 94 CHARLES E. MITCHELL, Vassalboro

DISTRICT 95 DAVID R. MADORE, Augusta
 DISTRICT 96 JULIE ANN O'BRIEN, Augusta
 DISTRICT 97 SHIRLEY K. RICHARD, Madison
 DISTRICT 98 PAMELA H. HATCH, Skowhegan
 DISTRICT 99 JOSEPH M. JABAR, SR., Waterville
 DISTRICT 100 KENNETH T. GAGNON, Waterville
 DISTRICT 101 PAUL L. TESSIER, Fairfield
 DISTRICT 102 ZACHARY E. MATTHEWS, Winslow
 DISTRICT 103 ROBERT W. NUTTING, Oakland
 DISTRICT 104 SUMNER A. JONES, JR., Pittsfield
 DISTRICT 105 DAVID A. LINDAHL, Northport
 DISTRICT 106 RANDALL L. BUMPS, China
 DISTRICT 107 JOSEPH E. BROOKS, Winterport
 DISTRICT 108 VAUGHN A. STEDMAN, Hartland
 DISTRICT 109 DONALD P. BERRY, SR., Belmont
 DISTRICT 110 CAROL WESTON, Montville
 DISTRICT 111 EARL E. RICHARDSON, Greenville
 DISTRICT 112 RUEL P. CROSS, Dover-Foxcroft
 DISTRICT 113 RICHARD W. ROSEN, Bucksport
 DISTRICT 114 DEBRA D. PLOWMAN, Hampden
 DISTRICT 115 CHARLES D. FISHER, Brewer
 DISTRICT 116 RICHARD H. CAMPBELL, Holden
 DISTRICT 117 CHRISTINA L. BAKER, Bangor
 DISTRICT 118 JOSEPH C. PERRY, Bangor
 DISTRICT 119 TARREN R. BRAGDON, Bangor
 DISTRICT 120 JANE W. SAXL, Bangor
 DISTRICT 121 MATTHEW DUNLAP, Old Town
 DISTRICT 122 DANIEL B. WILLIAMS, Orono
 DISTRICT 123 KATHLEEN A. STEVENS, Orono
 DISTRICT 124 RUSSELL P. TREADWELL, Carmel
 DISTRICT 125 SUSAN KASPRZAK, Newport
 DISTRICT 126 JAMES H. TOBIN, JR., Dexter
 DISTRICT 127 EDWARD J. POVICH, Ellsworth
 DISTRICT 128 ROYCE W. PERKINS, Penobscot
 DISTRICT 129 PAUL VOLENIK, Brooklin
 DISTRICT 130 ROBERT E. STANWOOD, Southwest Harbor
 DISTRICT 131 EDWARD R. DUGAY, Cherryfield
 DISTRICT 132 WILLIAM D. PINKHAM, Lamoine
 DISTRICT 133 MARTHA A. BAGLEY, Machias
 DISTRICT 134 ALBION D. GOODWIN, Pembroke
 DISTRICT 135 KEVIN L. SHOREY, Calais
 DISTRICT 136 BARRY G. GILLIS, Danforth
 DISTRICT 137 LAURA J. SANBORN, Alton
 DISTRICT 138 RODERICK W. CARR, Lincoln
 DISTRICT 139 STEPHEN S. STANLEY, Medway
 DISTRICT 140 JOSEPH E. CLARK, Millinocket
 DISTRICT 141 HENRY L. JOY, Crystal
 DISTRICT 142 ROGER L. SHERMAN, Hodgdon
 DISTRICT 143 EDGAR WHEELER, Bridgewater
 DISTRICT 144 RICHARD KNEELAND, Easton
 DISTRICT 145 RICHARD H. DUNCAN, Presque Isle
 DISTRICT 146 MABEL J. DESMOND, Mapleton
 DISTRICT 147 IRVIN G. BELANGER, Caribou
 DISTRICT 148 GARY L. O'NEAL, Limestone
 DISTRICT 149 ROSAIRE J. SIROIS, Caribou
 DISTRICT 150 DOUGLAS J. AHEARNE, Madawaska
 DISTRICT 151 JOHN L. MARTIN, Eagle Lake

Thousand Nine Hundred and
 Ninety-eight.

S/DAN A. GWADOSKY
 Secretary of State

READ and ORDERED PLACED ON FILE.

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

The elected membership of the House being 151 and 149 members-elect having answered to their names, a quorum was found to be present.

Absent were: Representative-Elect GAMACHE of Lewiston
 Representative-Elect SAMSON of Jay

On motion of Representative-Elect SAXL of Portland, Representative-Elect MARTIN of Eagle Lake, Representative-Elect TUTTLE of Sanford, Representative-Elect SKOGLUND of St. George, Representative-Elect TRACY of Rome, Representative-Elect SAXL of Bangor, Representative-Elect STEVENS of Orono, Representative-Elect MURPHY of Berwick, Representative-Elect MURPHY of Kennebunk, Representative-Elect CAMERON of Rumford and Representative-Elect PLOWMAN of Hampden were appointed a Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives-elect had assembled in the Hall of the House of Representatives and requested his attendance to administer to them the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

Subsequently, Representative-Elect MARTIN of Eagle Lake reported that the Committee had delivered the message with which it was charged.

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

Governor **KING**: Good morning. It is my official duty here to do the swearing in. I am kind of like the body at an Irish wake. An important part of the proceedings, but not expected to say much. I don't have extensive comments, except to say welcome. Welcome back for those of you who have been here before and a special welcome to the new members of this august institution. This is a historic place, a historic day. It is here that we are sent to do the people's business. You know, as I was thinking about this day and the reconvening of the Legislature, I always think about and wonder at the genius of the people that founded this form of government and that designed this government that we have, because if you think back to those days over 200 years ago, the image of government that was very vivid in the minds of the people that designed our government. The image that they had of government was George III. Central authority in one person untrammled and really largely uncontrolled. They wanted to design something new and we often forget that this experiment of participatory democracy is really new in terms of human history. A blink of an eye in the time that we have been struggling to learn to govern ourselves.

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this second day of December in the year One

They wanted to design a government that would allow the institution to function, that laws and rules could be made, but they wanted it to be deliberate. They wanted it to be slow. They wanted it to be cumbersome. They wanted it to be complicated and they succeeded beyond their wildest expectations. As I was coming up the stairs, I realized that part of their genius was the divisions that they put into the system, the balances and the checks, the divisions between the parties, the divisions between the institutions, between this body and the one at the other end of the hall, between these two bodies and my office downstairs and between regions of the state between interests. There are divisions purposefully built into our system and yet the essential purpose is to overcome those divisions and create something positive for the people of Maine.

As I sat during the interminable debates of the prior campaign system with four opponents you have time during a debate to think. I had an insight during one of those evening that all of us had the same goals. The differences among us are really about means, not ins. We all want Maine to be a more prosperous place. We all want our children to be well educated, well fed and healthy. We all want opportunity for ourselves, our families and those who will come after us. We all have the same goals. The differences are only over the means. I think as we do our work and those divisions that the framers designed tug at us, we also have to keep in mind the overall centralizing purpose of doing the people's business in making Maine a better state. That is why I am here. That is why you are here.

We have an extraordinary opportunity. We stand at a time where the road, the progress, into the 21st century is really up to us. We are in a place that, I believe, is blessed. We have the responsibility to seize that opportunity to make better lives for our people. So, with that in mind and the idea of recognizing and celebrating our differences, but at the same time working together on behalf of the people of Maine.

I would ask that members, the about to be members, of the 119th Legislature of the State of Maine to rise so that I can administer the oath. For those of you who haven't taken the oath in Maine before, we have two oaths, so don't quit on me in the middle. If you would raise your right hands and repeat after me.

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

I, (members state their names) do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent upon me as a Representative in the 119th Legislature of the State of Maine, according to the Constitution and laws of this state. So help me God.

Congratulations!

At the conclusion of the address and the oath of office, the Governor withdrew amid applause, the audience rising.

On motion of Representative SIROIS of Caribou, Representative BRENNAN of Portland, Representative VOLENIK of Brooklin, Representative WATSON of Farmingdale, Representative STEDMAN of Hartland, Representative WATERHOUSE of Bridgton and Representative KASPRZAK of Newport were appointed a Committee to receive, sort and count votes for the Speaker.

The CLERK: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative **DAVIDSON**: Mr. Clerk, Men and Women of the House. This is a great day for the State of Maine and I welcome my new colleagues to an adventure that I know will be the time of your life. We're very blessed to have this opportunity and we are a rare breed in this Chamber. We are often loud, always speaking with emotion, conviction, rambunctious at times, serious, pensive and calm at others. In the end, we are 151 very different people, with very different backgrounds. And we are important, not because of who we are or our titles, but because of what the people of Maine have sent us here to do. And central to this journey that we are all now on together, is to bring a leader to this diverse and exciting group, who can bring us together everyday to do the business of the people of Maine. Men and Women of the House, there is no person in this body more ready for that job than Steve Rowe of Portland.

I have known Steve, and have counted him among my closest friends since I first arrived here four very short, and sometimes very long years ago. As a former Chairman of three legislative committees, he is seasoned, aggressive, and most importantly, ready for a job I consider to be the toughest, most challenging and most important in this building.

First and foremost to me, Steve is a good friend. I have watched his intense dedication to his wife and children. It's funny for a guy who so jokingly pokes fun at himself all the time and almost seems to have a chemical imbalance that never allows him to pat himself on the back, this guy almost constantly talks up his children and his wife. His daughters field hockey prowess, her great grades, her art, her drawing and his wife scaling of some of the larger mountains in the northeast. He is so proud of his kids and will always end a bragging session by saying, "Boy, I sure am glad that they are like their mother." He has what every Speaker of this great body needs, a wonderful, supportive family, who understands the incredible importance of this job.

Over the past few years, I have kind of wondered as I have watched him work for this position what kind of Speaker someone who grew up on a small cattle ranch in a town of 400 people, who eventually became a Army Captain, turned businessman, turned lawyer, turned legislator would be. I have sat with him in diners in Medway. I have sat with him through R & D sessions in Eastern Maine. I remember snowmobiling with him in Madawaska and I can't tell you how many times that people came up to me and said, I can't believe this guy is going to be the next Speaker of the House. He is so humble and so caring and he is so down to earth. Throughout these times, one thing has always stuck in my head. That no matter how much I travel through the state, Maine people never cease to amaze me with their strength, resolve, independence and caring. You know what, they deserve a Speaker like Steve Rowe.

When I think back to the issues of the last few sessions, Steve Rowe was on the front lines of most. He worked in a bipartisan fashion to craft strong, meaningful legislation and never, ever lost sight of the fact that he needed to show respect for the other side's position, no matter how wrong he thought it was for the people of Maine. Steve Rowe shows time and time again that no matter our feelings for the positions of those who oppose us, we must always remember that whether we like it or not, the people of Maine sent all of us here and that disrespecting our adversaries means disrespecting the people who sent them here and Steve Rowe does not ever let that happen.

It is that respect for conservatives and liberals, colleagues from North and South, East to West that has always struck me to the core when I think about Steve. Because to him, it doesn't mean that you placate or promise things to make people happy. Steve Rowe has found the true meaning of respect in this building, that you tell people the way it is, always up front, always to their faces. That you stand tall and tough for the principles that you believe in and that you compromise only when it is in the best interest of the people of Maine. Not for the lobby, not for the party, not for other colleagues and certainly not for himself.

I was joking with my good friend, Representative Cameron, that one of the great reasons why Representative Rowe is going to be the Speaker is that he will never again chair a committee. If you have ever served on a committee with him, you know what I mean. There are so many times when I wanted to strangle him because it was late in the evening and we were all tired and ready to go home and Representative Rowe would find some obscure line in the bill in Section 416 and make us stay and work it out. I would often look across the table and roll my eyes at my colleagues, but at the end of the day, we realized he was never wrong and the people of Maine were better for his diligence.

I remember specifically working the Nurse Practitioner's bill in 1995, a long, conflicting piece of legislation that was extremely contentious in this body. Steve was so technical and painstaking in his effort to craft a good piece of legislation that it almost drove us out of our minds. And at the end of the last session, after Steve had worked scores of hours almost single-handedly did the job of the committee, the analyst and the Chairs combined. He came up to me with a big smile and said, "You know what? A lot of kids are gonna have less earaches because of this bill." It was a moment I will never forget because it drove the point home that Steve always seems to make as he lets other people take the credit and almost daily ensures that the longest distance in the State House is between his nose and the TV camera, there is a reason why we do what we do here.

Most importantly, he is so committed to the great principles of the great leaders of our state, the Cohens, the Muskies, the George Mitchells and the Margaret Chase Smiths. The best quote that I have ever read that defines who we are as Mainers goes like this. "I believe that we should ensure that every person in Maine go as high and as far as they can possibly go." That sounds a lot like Steve Rowe and it should because he said it a couple of weeks ago.

So, when you drive home tonight, you should be proud. When you see your constituents on the streets and in the stores, you should be proud. Today, you have the opportunity to give them a statesman, a Speaker of the House, a Speaker of Maine that they deserve. A Speaker who relishes the process, who is the toughest and most brutally honest man I know, who is passionate about our kids and is passionate about making all of us leave here in two years, as better Representatives and better people than when we came in.

Thank you Mr. Clerk.

Representative DAVIDSON of Brunswick moved that the name of G. STEVEN ROWE of Portland be placed in nomination for the Speaker of the House.

The CLERK: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Thank you Mr. Clerk and Colleagues of the House. I rise very proudly to second the nomination of G.

Steven Rowe for Speaker of the House. When I spoke with Representative Rowe last night, he said, "Just say a few words, a very few words." As we said goodbye, he said, "A very few words." I began to wonder like how many. That is typical of Representative Rowe. He would rather you not say too much about him or talk too long about him. He is quite self-effacing. I had the pleasure over the last two years of being Representative Rowe's seat mate. That was a wonderful experience for me because I had someone very confident that I could learn from.

I observed him in his committee work when he would research a bill or bring a bill to the floor on either the committee that he chaired, Natural Resources, or Taxation, of which he was a member. He was prepared. He was thoroughly prepared. It didn't matter if the bill was a unanimous bill. He was ready for it and prepared for it. When he spoke to the bills on the floor, he was always very clear, succinct in explaining his position and if a bill didn't go the way he wished it had gone, he would examine himself, not someone else, about why did that bill not go that way? Should I have said something different? Was I not clear enough? On the other hand, when a bill went the way he had hoped it would go, he thanked everyone else and the job that they did in supporting the bill.

Sitting next to him, I took advantage of using him as a mentor and asked him many, many questions. All of which he responded to and he never even told me one was stupid. I had a lot of them as I learned. Thanks to his attention that he paid to me has helped me to gain the confidence to be more effective as a legislator.

I think, in summary, Steve leads by example. He leads by working incredibly hard, supporting all of us, practicing integrity, his compassion and conscientiousness that he will address with all of us. Even if you watch carefully, he does have a sense of humor. It gives me great pleasure to second this nomination of G. Steven Rowe and encourage you all to join with me and vote for him as our next Speaker of the House. Thank you.

The CLERK: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Thank you Mr. Clerk, Women and Men of the House. I also rise to second the nomination of G. Steven Rowe for the position of Speaker of the House. Representative Rowe, in my opinion, is a man of great character, integrity and fairness. He was worked tirelessly in his service to the Legislature to bring people together to do what is best for the people of Maine. Most importantly, to me, is his love for his own family. His love for his wife, children and parents is always so obvious in our conversations. In my mind, that has to be the primary purpose that we are here in this body to serve others as we do.

Contrary to popular opinion, as has been said before, Steve does have a pretty keen sense of humor. Representative Rowe had the misfortune of being born in Oklahoma, but I think he has been a pretty outstanding citizen regardless. Representative Rowe is not just a city lawyer. He knows what it is like to grow up in a small rural town and he knows what it means to work hard to achieve the goals that he has set for himself. He knows and demonstrates the meaning of responsibility. His service in the military and in this Legislature tells me that he is committed to the high ideals that make this such a great country and this such a great state. Representative Rowe has always been willing to listen and offer advice if requested, whether he was talking to a new member of the Legislature or a commissioner of a state department. Although some in this chamber today may be brilliant, there are some, like myself, that struggle to

understand certain issues. Steve has always been helpful and positive. Steve has not been one to use the press to promote himself or to criticize others, but rather, he is the quiet, patient workhorse that gets the job done.

I believe that Representative Rowe will bring a great deal to the Speaker's position. He has proven his leadership abilities in serving a committee chair of Business and Economic Development Committee in the 117th Legislature and as chair of the Natural Resources Committee in the 118th. Steve has the ability to disagree without being disagreeable. If there are items which divide us on issues, he is always one to seek an alternative, who will recognize the concerns of all, if possible. It is Steve's nature to make sure that the job gets done and he is also one to give everyone else the credit when something goes well. There have been comments in the papers that there are too many from Southern Maine serving in leadership and that Northern Maine won't have a voice in the 119th.

As I said before, Representative Rowe is someone who will listen. He will care and he will work to ensure that your people are represented here in the House of Representatives. He has traveled throughout the state to meet the people that make Maine such a wonderful state. I think he will do his best to include all of us in his efforts to prepare the state for the next millennium. No one here has served in the 119th Maine Legislature. The 119th is ours. It is ours for the next two years and it is ours for eternity. Our responsibility is great. Our legacy should be that we truly work together to keep Maine the best place to raise our children. That in our differences, we treat each other with respect and dignity. I think Steven Rowe will strive to make it so. I think he will do a great job for all of us. I hope that you will join me in supporting Representative Steven Rowe to be your Speaker of your House for the 119th Maine Legislature. Thank you.

The CLERK: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative **STEVENS**: Thank you Mr. Clerk, Men and Women of the House. It is my pleasure today to rise and second the nomination for G. Steven Rowe as Speaker of our House. I have had the honor to work with Steve here in the Legislature for six years. We both entered in 1992 as first year people. We will be termed out together in 2000. I have come to know Steve to be an excellent legislator and a dedicated public servant. It is no surprise to those who know Steve that he will be a superior leader of our House. Steve is lead by a deep moral compass, which stands as an example for all of us. Steve is singularly dedicated to do that which is right. Steve is always guided by that compass. He follows his instincts and his passions, forever pursuing that which is good and forever pursuing that which is right. When we think of Steve Rowe, characteristics that come to mind include justice, intelligence, honesty and mercy. Steve Rowe is a model for all that is good and for all that is just in this chamber and in this state. He will lead us to be better public servants and he will lead us to help work to better our legislative branch. I know that Steve will be an excellent Speaker of the House. He will lead us well and he will lead us by example.

The CLERK: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative **O'NEAL**: Thank you Mr. Clerk, Ladies and Gentlemen of the House. It is my honor and privilege to second the nomination of G. Steven Rowe for Speaker of the House. In my four years of serving with Steve, I have known him to be a man of honesty and dignity and I admire his work ethic. Along

with that fairness, he shows me that he is an individual who will lead us well as our Speaker for the next two years. Don't be surprised if his military background shines through his statement, such as, as you were, which means regroup and start again. I admire that in a leader. I am pleased to second his nomination.

Representative PIEH of Bremen, Representative BERRY of Livermore, Representative STEVENS of Orono and Representative O'NEAL of Limestone seconded the motion.

The CLERK: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Thank you Mr. Clerk, Ladies and Gentlemen of the House. I was somewhat surprised and dismayed to learn last night that I had prepared a nomination speech to present a candidate for an office that had already been filled. Be that as it may, I am a nominee and wish to proceed so that everyone will have a real choice in the filling of the Office of the Speaker of the House. That is why I move that the name of Henry L. Joy of Crystal be placed in nomination for the Speaker of the House. I use the name Honorable Henry L. Joy of Crystal deliberately. Honorable in this case is a title merited, not bestowed. Representative Joy has earned that title by being an unselfish family man and a servant of the people all his life. As a member of the military, as a school teacher, coach and superintendent, hospital administrator and as a Representative now in his fourth term who consistently speaks for all the people of Maine. Representative Joy has demonstrated a leadership skill that gets the job done and at the same time shows respect for the individuals he supervises. During his run as one of his parties candidates for Governor this spring, Representative Joy traveled the length of this great state talking with and listening to the people in all walks of life and in all living conditions. He discovered what he really already knew that Maine is a multi-faceted jewel that needs all of its facets polished to bring out its unique beauty and true worth.

As your Speaker, Representative Joy would recognize and have respect for the different talents and abilities and potentials of each of you. The representatives of those people of Maine and would have utilized those talents, abilities and potentials

Representative STEDMAN of Hartland moved that the name of HENRY L. JOY of Crystal be placed in nomination for the Speaker of the House.

The CLERK: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Clerk, Ladies and Gentlemen of the House. It is my great pleasure to be the second to place in nomination the name of Henry Joy for Speaker of the House. I have served with Henry Joy for four years now. I was his seat mate for four years. Henry Joy, to me, is a man of integrity, a man of high moral character and a man that was known by the people who serve with him since I have been up here on the other side of the aisle as a man of fairness. His is respected by both sides of the aisle by people who worked with him. It is my great pleasure and my high honor to be the second to nominate Henry Joy for Speaker of the House. I hope you will all join me. Thank you.

The CLERK: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Clerk, Ladies and Gentlemen of the House. I rise to second the nomination of Representative Henry Joy for Speaker of the Maine House of Representatives. I can only echo what my seat mate, Representative Waterhouse, has just said. If character does

count and I contend that it does, then the Honorable Henry Joy is our man. If integrity counts and I contend that integrity does count, the Honorable Henry Joy is our man. If competency counts and I contend that it does, the Honorable Henry Joy is our man. Please join me in supporting Representative Henry Joy for Speaker of the Maine House of Representatives. Thank you.

Representative WATERHOUSE of Bridgton and Representative KASPRZAK of Newport seconded the motion.

Representative SHIAH of Bowdoinham moved that nominations cease.

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

Total number of votes cast 149

Total number of votes needed 75

G. Steven Rowe received 81

Henry L. Joy received 68

The Representative from Portland, G. Steven Rowe, having received a majority of the votes cast, the Sergeant-at-Arms escorted Speaker-elect Rowe to his Chair.

The Honorable JOSEPH W. MAYO, Clerk of the House of the 118th Maine Legislature, administered the necessary oath of office to qualify the Speaker of the House to enter upon the discharge of his official duties.

The House was called to order by Speaker G. Steven Rowe.

At this point, pursuant to House Rule 201, the Speaker addressed the House.

Speaker **ROWE**: Pursuant to House Rule 201, it is my pleasure to address the members of the House.

Ladies and gentlemen of the House, honored guests, esteemed colleagues. I am truly honored to stand at this rostrum today. This is one of the proudest moments of my life.

I am grateful beyond words for the opportunity that you have entrusted to me. I am mindful of the awesome responsibilities of the speakership; and I ask for your support, your guidance and your patience in the days ahead.

I'd like to thank all of you for your confidence in me, especially today Representatives Davidson, Pieh, Berry, Stevens and O'Neil. I thank you for your very kind words. I'd like to thank my neighbors, and friends and constituents -- many of whom are here today -- for supporting me over the years. And, most of all, I'd like to thank my family, my wife, my children, my parents, who made a very long trip to be here today and share this moment, as well as my brother, my wife's parents and my other relatives.

I know I may embarrass them, but I'd like to introduce my family. I will introduce them all. My wonderful wife Amanda, my daughter Lindsay, my parents, Bob and Doris Rowe, my brother Cliff Rowe, my mother-in-law Mary Long, my sister-in-law Cathie Long and my niece and nephew Amy and Mark Weintraub. Would you please stand and accept the greetings of the House.

Those of you who are visiting here may not know it, but this chamber has been totally transformed and those of you who saw it before notice the difference. It is very beautiful.

Six months ago it showed the wear of decades of deferred maintenance and, like much of the building, had significant structural problems. But thanks to the passionate conviction of House Speaker Libby Mitchell, this historic State House is being restored.

I would like to thank Speaker Mitchell for her efforts to repair the State House and for all that she achieved over her illustrious legislative career. Her legacy is extraordinary. And her accomplishments have set a high mark for all of us to follow. So Libby, we thank you and we salute you.

In many ways, this institution is like a family. To the new members, I say welcome. You will spend more time here than you ever imagined. You will work together, laugh together and at times, yes, even cry together. You will also argue, make up and develop lifelong friendships that will extend far beyond your years of service here.

Each of you enters this House filled with enthusiasm and committed to proposals that inspired your campaigns. You've knocked on thousands of doors and listened to countless constituents. You're ready for action. But I ask you to continue to listen. Listen to your colleagues. Keep an open mind. Issues are complicated, and solutions that benefit the entire state usually require our collective insight.

One of my goals as Speaker will be to empower the members of this House. The people of Maine chose each of you to provide leadership. My aim is to ensure that each of you has an opportunity to use your skills and abilities to the fullest, always remembering that our collective resolve must be greater than our individual differences.

I also pledge to foster a climate of civility and respect for differing views and philosophies in this body. Every member of this House, regardless of party affiliation, geography or ideology is elected to represent his or her constituents. If we respect this institution, we must respect one another.

This is not to say that we always will agree. Certainly we will not. But when possible we should always try to find common ground and forge consensus on the solutions to problems facing our state. The people of Maine deserve no less.

Each of us brings to this chamber the accumulated experiences of a lifetime.

Among the most pronounced influences in my life was my upbringing in a small rural town with a population of 400. I was not born into material wealth, but I was born into a loving family who cared deeply about friends and community. My parents taught me that to be successful in my endeavors, I should aim high, work hard and stay the course. That was a valuable lesson, and it has helped guide me throughout my life.

Another major influence was my education at the U.S. Military Academy and my service as an Army officer. I was taught to live by the West Point motto "Duty, Honor, Country." I was taught to respect others based on the quality of their character and the quality of their work. And I was taught another very important lesson. I was taught to face challenges head-on.

So, drawing from these influences, I promise that in my position as Speaker, I will set challenging goals, work hard and stay the course. I will work with you in a straight forward and open manner as we deal with the important issues facing our state.

Everyone who enters this chamber quickly learns that the old saying is still true: to govern is to choose. Governing for a legislature is not the same as coming up with a wish list. If we try to do everything, we'll accomplish little. We must set priorities.

Fiscal discipline must remain our hallmark. In the last legislature, we cut taxes, paid our bills to communities and increased school funding -- all while raising the Maine Rainy Day Fund to record levels. Our willingness to make hard choices earned us the trust of constituents. In this session, we must maintain that financial vigilance, ensure accountability and make smart investments.

But setting priorities doesn't mean choosing only what's easily achievable. We live in a dynamic and rapidly-changing society. Long-term trends are fundamentally reshaping our state, our nation and the world and will force us to confront unprecedented changes.

AGING POPULATION

One of these trends is our aging population. Nationally, the fastest growing age group consists of individuals over the age of 85. Here in Maine, we have a higher than average proportion of elderly residents. Right now 14 percent of our population is over the age of 65. By the year 2025, that percentage will increase to 21 percent, or more than one in five Maine residents.

While we are proud to have a high percentage of seniors, the aging of our state's population has many implications for issues like housing, health care, long term care and transportation to name just a few.

The challenges of an aging population are complicated in Maine because our elderly are almost twice as likely as the national average to live in poverty. Twenty-two percent of all Maine people age 60 and older live in poverty. That's wrong.

In the coming legislature, it is up to us to be the voice and vote of the elderly.

REGIONAL DISPARITIES

As we are all aware, there are wide income disparities among the various regions of the state. The Maine Economic Growth Council reports that the per capita income in our four poorest counties is only two-thirds of that in our four wealthiest counties. The Growth Council's goal is to increase that figure to 75 percent by the year 2005. That may be very ambitious, but certainly not impossible.

I believe that the achievement of this goal should be paramount in our minds this session. Our great challenge is to ensure that Maine grows together. We can do it; for this is not a zero-sum game. I am firmly convinced that we can support growth in less prosperous parts of the state without sacrificing growth in the regions that are doing well. We can and we must lay a foundation for economic growth that benefits the entire state.

After all, the true measure of a society's success is not how well the most prosperous are doing; but rather, how well the least of us are doing.

So how do we do it? How do we broaden prosperity and prepare Maine people for the jobs and opportunities of the 21st century?

Our strategy must be broad. It must be comprehensive and it must also be bold. We know that there are no quick fixes to ensure good jobs and rising incomes. We know that our strategy must involve investments in research and development. It must include investments in our human capital, as well as our industrial infrastructure. We must continue to strengthen our public universities and technical colleges and make job training

and lifetime learning available for people throughout the State of Maine.

But in order for any of these investments to pay dividends, we must make earlier investments. The qualities and attributes that make for a skilled, educated workforce are learned well before a student applies for college or enters a job training program.

They are learned before a child enters kindergarten. They begin with efforts that develop the minds and potential of our children from their earliest infancy.

EARLY CHILDHOOD DEVELOPMENT

If there is one thing that I've learned as a parent, it is that children need a lot of attention from adults, especially when they are young. Science is proving that nurturing has a physiological impact on the brain's healthy development. Early attention is decisive in developing a child's skills.

But today too many children are missing this kind of vital, early attention. The obstacles confronting children are many. The distracting pain of a toothache, to the shadow of hunger, to under-staffed day care facilities, to child abuse.

Today, I ask you to make a real commitment to the children of the State of Maine; for we do have models that work. Head Start is a prime example. The Parents as Teachers program is another effective program.

Our challenge now is to broaden these successful efforts so that more parents have the information and help they need to care for and stimulate their children in the critical, early years of their lives.

When I say "our challenge," I mean all of us -- as parents, teachers, community leaders, business leaders, and legislators. For I firmly believe that everyone has a role and a responsibility.

CHILDREN'S HEALTH CARE

We must also continue to reduce the number of uninsured children. In the last legislature, we created the Cub Care program, which has begun to provide thousands of Maine children with health care coverage. It's a good start. But even if the program works as planned, there will still be more than 15,000 Maine children without health care coverage.

Our challenge is to make affordable health care coverage a reality for every child in this state.

CHILD CARE

Today, when I talk with parents struggling to make ends meet, whenever I talk with parents juggling work and family, there are two words that almost always come up: day care.

I feel passionate about this issue. That is in part because I've been a single parent. I remember what it's like trying to raise three young children alone, while holding down a full time job.

I was fortunate to have had good neighbors and a strong support system. I was fortunate to have had an employer that recognized the importance of providing quality care. But not every parent is so fortunate.

In this legislature, we should consider how to ensure that every family in this state can obtain high-quality, well-trained affordable care.

As I'm sure you have noticed by now, I have spent a lot of time talking about children. I really care about children. I have talked about children for a purpose. I spoke earlier about making smart investments. I believe that investing in children is the smartest investment that we can ever make.

Guaranteeing that children enter kindergarten ready and able to learn maximizes their chance of success in school and in life. It also provides the best foundation for our state's long-term economic growth.

After all, children may represent only a third of our population, but they represent 100 percent of our future.

INVESTMENTS IN EDUCATION

As we look toward the 21st century, the most important division in Maine will no longer be between North and South or East and West or urban versus rural.

The great dividing line today, and far into the future, will be between those with higher education and those who lack the opportunity to obtain it. Today, more than ever before, the American spirit of optimism -- the belief that everyone can move forward into the future together -- is linked to educational advancement.

For me, that aspiration to advance is personified by my mother. After her five children were grown, she decided at the age of 48 to pursue her dream. She got her G.E.D. and went on to college where she majored in elementary education and library science. At a time when most of us were thinking about retirement, my mother was just beginning her career as a school librarian.

Like my mother, many Maine people aspire to higher education. We have, after all, one of the best high school graduation rates in the country. But too few high school graduates enter college, and far too many drop out before they obtain a degree.

In the 118th legislature we made good progress in improving our educational system. We expanded access to our technical college system, increased the state's share of K-12 funding, moved forward in demanding high levels of accountability with learning standards and helped communities repair schools with health and safety problems.

All this is good, but it's not enough.

In this legislature, we must continue to make higher education more accessible and affordable.

However, we must also ensure that there are challenging job opportunities within Maine awaiting our college graduates. Without good jobs, too many of our best graduates will be forced to leave the state in search of markets for their skills.

RESEARCH AND DEVELOPMENT

Over the past several months, I served with several of you in this chamber on the Joint Select Committee on Research and Development. The committee met in different areas all around the state. We have toured many facilities and we have talked to hundreds of people. The major themes that emerged during the course of the committee's work were:

- One, that research and development is the foundation upon which a strong Maine economy will be built.
- Two, an educated and skilled workforce is a critical element in the development of the state's capacity to support research and development.
- And three, a strong University of Maine System is fundamental to growing research and development in the state.

R&D is now a threshold requirement for the well-being of the state. It is not a discretionary activity. It is just as important as education or transportation.

I believe the Maine economy is at a crossroads, where the state remains dangerously reliant on industries that are expected to be stagnant or lose jobs over the next decade.

In the coming weeks, this committee, the Research and Development Committee, will present a proposal for a substantial R&D investment to this legislature. I strongly urge you to give it your support.

ENVIRONMENT

Turning to the environment, I know that we all care about Maine's natural environment. But for too long, we have bought into the rhetoric that we must make a choice -- the environment or jobs.

It's our responsibility to show that this is a false choice. I believe we can make environmental gains that grow our economy at the same time.

But we must act with common sense. We must find environmental solutions that bring people together, not leave them divided.

I believe we must also set aside state funds for strategic public land acquisition. Maine is an outstanding destination for sportsmen, vacationers, new businesses and new employees. But when access to land is denied, when open land is fragmented, traditional uses are lost, and tourists and businesses go elsewhere.

Maine has a tradition of public stewardship for sensitive lands and waters. I believe we must continue that tradition, not at the expense of jobs, but to preserve and increase jobs. And to preserve this beautiful state for our future generations.

CONCLUSION

Let me conclude by saying that Maine families today are making remarkable efforts to help themselves and their families make their way in a changing world. As we campaigned door to door, we met people who were working a second job, going back to school for additional training, starting a new business or scrimping money to send their kids to college. These efforts are making a real difference. It's our job to help them succeed.

The last legislature set a very impressive record of accomplishments. But it is not a record to rest on. It's a record to build on. We must work together, not apart, in this effort.

I believe we can and must do better. I believe Maine can and must be a place where no one is left behind as the economy moves forward.

If all this sounds challenging, it is. We have a full legislative agenda before us. But I am confident that with your energy and determination, we can meet the challenges that confront us and help make Maine an even better place to live, work and raise a family.

I thank you again for your confidence and your support.

On motion of Representative MAYO of Bath, Representative AHEARNE of Madawaska, Representative HATCH of Skowhegan, Representative TOWNSEND of Portland, Representative CROSS of Dover-Foxcroft and Representative JOY of Crystal were appointed a Committee to receive, sort and count votes for the Clerk of the House.

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

Representative SKOGLUND: Mr. Speaker, Men and Women of the House. I move the name of Joseph W. Mayo of Augusta be placed in nomination for the Clerk of the House and request permission to speak to my motion. I have the honor of nominating Joe Mayo as Clerk of the House, not only because I represent his hometown of Thomaston, which was part of his former district when he was Representative, but also because I was Joe's history and geography teacher when he was in the 6th, 7th and 8th grades at Thomaston Grammar School. I truly appreciate Joe's kindness in giving me the privilege of nominating him. As many of you who know were teachers, the greatest reward in teaching is to see our former students do well. Invariably, we former teachers then claim at least a share

of the glory for ourselves, even if a student has succeeded in spite of, rather than because of our administrations.

The only thing I am sure that Joe remembers about his three years in my class is his first trip to the State House, which we made on a class trip. The other thing I know he remembers is the capital of Mongolia. I commend Joe for his tolerance in listening to me talk about him for it is potentially embarrassing to have someone speak who remembers one's youth. There is something inherently embarrassing about having been a youth, even though one might have been an outstanding and very good youth. I have known Joe since he was in the fourth grade. I have watched his progress, intermittently and with varying degrees of interest and have observed the development and the application of the skills and interests, which he seems always to have possessed.

One of the things that always impressed me about Joe Mayo is his organizational skill. His English teacher in the eighth grade used to say that if you want something organized, get Joe Mayo to do it. He has always displayed an interest in history and government. I recall that he received the Outstanding Student Award for his achievements in history and government in the eighth grade. He has always appreciated our heritage and traditions. It was my custom to take the classes to all of the historic sights in Thomaston, including the churches and to have the children get the opportunity to know something of the history and background of each of our community institutions. I remember visiting one church with a class and the priest was unable to attend and Joe, who was home from the University of Maine at the time, told the class about the history of that particular church. I was very proud to see that. Joe took an interest in his heritage and tradition and wanted to ensure that it was past on.

He has always participated in community events, organizing them, doing the actual work, frequently most of it, from putting up the tables, selling the tickets and cleaning up afterwards. Where there was an activity for the betterment or the enjoyment of the community was involved, Joe was there. I must say that he comes by it honestly. Both of his parents shared their considerable talents and skills, not only with their family, but with their community and their state. His mother is still fondly remembered for her variety of community activities. His father served as a member of this body and unfortunately passed on while representing Thomaston. Joe served out the remainder of his father's term and then served four terms on his own. I was very happy when I was elected to the Legislature to have my former student and good friend, Joe Mayo, sitting near me here on the right, to encourage and instruct me when I arrived here.

After Joe became Clerk of the House, there was a redistricting and Thomaston was placed in my district so that now I have the duty and privilege of representing Joe's former constituents. It is a formidable task. They loved Joe Mayo and still love Joe Mayo. I don't doubt but some residents of Thomaston voted against me simply because I am not Joe Mayo.

A few years ago I stopped into Joe's house on some errand. Joe was engaged in making a cake with and for his children. They were having a wonderful time. His good wife, Becky, who has great patience and understanding, had taken refuge elsewhere. I watched Joe break eggs into a bowl the proper way, one at a time, and carefully inspect and remove any bit of shell or imperfection. I commented on his care and he said, "That is the right way to do it. That is the way I was taught." Great attention to detail and always with good humor. These

qualities that I have observed in Joe is kindness, tolerance, organizational skills, interest in government and history, his appreciation of our tradition and heritage and his attention to detail and never failing good humor have made him an excellent Clerk of the House.

I know that Joe is sincere when I have heard him say that he has the best job in the State of Maine. He loves the job of Clerk. He knows that I am sincere when I say that I am proud of Joe and I can't imagine how he could do a better job. I hope that you will join me in my nomination of Joseph Mayo for Clerk of this House.

Representative SKOGLUND of St. George moved the name of JOSEPH W. MAYO of Augusta be placed in nomination for the Clerk of the House.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. I rise to second the nomination of Joseph Mayo. By tradition, the Majority Leader has the opportunity to second the nomination of the Clerk of the House, but I tell you today as an individual, nothing could be a greater privilege. Representative Skoglund has said a great deal about his star pupil. When I think about Joe Mayo and I have thought about this opportunity to speak about him these last couple of weeks, a quote from a good Republican, Abraham Lincoln, comes to my mind. In his first inaugural address Abraham Lincoln asked us each to be guided by the better angels of our nature. When I think of Joe I can't get that quote out of my head. When I think of Joe, I think of this body, this Legislature and of the entire institution of state government in Maine. I think of Joe Mayo and I think that he embodies the better angel of my nature. Joe is an amazing person. Joe is the consummate professional. He is a great family man and finally he has been a true friend to me and to us all.

First of all, Joe Mayo is a consummate professional. Not one of us, not Republican, not Democrat or not Unenrolled has made a motion on the floor of this House without having an accurate script prepared for us by the Clerk of the House. Not one of us has ever been at a loss for a House Calendar prepared in time for session, no matter how late we stayed in session the previous night. Not one of us has requested to have a constituent service doctor of the day or has invited a member of the clergy to invoke our day without Joe Mayo making it happen and letting us know in plenty of time that our constituent would be there and give us an opportunity to greet them that day. Each of us who has served in this body has been greatly served by Joe Mayo. That is right, not a Democrat, not a Republican, nor Unenrolled has not been helped each and every day by Joe Mayo. He is gracious. He is considerate. He is thorough and he is just plain good.

I think Joe Mayo is more than good. Joe Mayo is the best. Not only does Joe Mayo know the rules, Joe Mayo writes the rules, not just in this chamber, but across this nation. Joe serves on the Mason's Manual Revision Commission and his is a star nationally. In his work with the American Society of Legislative Clerks and Secretaries, Joe is a rising star and in our near future will be the President of this esteemed association. Joe Mayo makes this House shine. I mean that literally. I see my good friend, the immediate past Speaker, and I think of her hard work and dedication to this House and her vision for making it a great place. Each and every day Joe Mayo would meet with contractors, electrical engineers, people working on sound systems and now we can hear each and every one of you

in this chamber when you rise. He would work with people laying carpet and people putting in the electronics for the future and for the television. Joe Mayo helped these people, each and every one of them understand the physical and technical needs of each member and of this hallowed institution. Joe Mayo made sure they got it just right and you can see by looking around you that they did.

Joe does a lot more everyday that you don't see. Everyday he spends hours with the Speaker, again, Democrat or Republican. I remember when my good friend, Representative Jim Donnelly, the former Representative from Presque Isle, was serving as House Speaker and Joe spent hours with him going through the calendar to make sure that he had every single motion just right to make him look good. To make Jim look good. Of course, I can tell you from personal experience he has done the same for me. Joe does that for everybody, whether it is helping my friend Joe Carleton put together the Daily Guide to the Calendar or helping me figure out whether you present an order or you adopt a resolution or just getting the words just right. Joe does it with a smile on his face and with understanding and with patience. Joe is a professional and he serves us all well.

The question is, why does he do it? As Jim said, he does it because he loves and reveres this institution. That love is evident in every single thing he does. As many of you know, Joe's dad served in this House before him. Joe sort of grew up on this place. When Joe's dad died, Joe succeeded him and Joe continued to bring the great honor to his family and to his community with his service. I know that Joe's dad would be very proud of how he has served this institution. As a member of this body and later as Majority Whip and now as Clerk, Joe's only motivation has been service. Without Joe, we would be lost.

Now I have to pause a second and talk about Joe as a family man. Joe will tell you that the only thing that he loves better than this building and the people in this institution is his family. During the past summer, it was Joe's greatest pride to travel through Maine, with you and eventually down to Connecticut with his son Jimmy and his Little League team to see them become the Little League State Champs and move on to the regionals and the nationals. It is for all of his kids. It is William running in Augusta Championship. It is K K at her first communion. Of course, it is Becky, who makes Joe and everything he does stick together and come out right. For me, Joe Mayo has been a mentor and a friend. He has shown me that hard work, passion for your beliefs and love of this institution can produce greatness. He is never without a smile or without a kind word. He is the better angel of our nature. I hope that you will help me renew my commitment to this institution by re-electing Joe Mayo Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I can't tell you what a great pleasure it is to stand this morning and second the nomination of someone that I have learned from and has become a great friend of mine and clearly a mentor to all of us who sit here, the person that we always turn to when we get those tough parliamentary questions. An awful lot has been said this morning by Representative Skoglund and Representative Saxl about Joe. It is very, very true that Joe did serve as the Clerk since 1992. He did serve in the House of Representatives from 1982-1992 and he has developed to be, certainly, a great expert on Maine law and parliamentary procedure. We see that evidenced every day,

not just in his dealings with us here in the House, but with the dealings with us in far away places.

There is another dimension to all of us. That dimension is, would we be here if it were not for the folks who sent us here? I am not talking about the folks who voted for me, the constituents that I have back home. I am talking about the friends, the family, the spouses, the children and the people who are back there looking at the television set or joining us here seeing the swearing in this morning. That brings me to a distinction of Joe Mayo, my friend and how I first met him. Back several years ago when I was working in my other profession as a journalist, I had the great honor of working with the Secretary of State's Election Law Committee. As part of that, I got to meet a woman by the name of Rebecca Wyke who was introduced to me as being the Director of the Elections and Corporations Division of the Secretary of State. I spent a great deal of regular time with Becky because we worked on not just the mock election, but we worked on the citizen B. I will let you ask her about the bus that broke down between here and Connecticut. That is another story all together. We became fast friends.

Much later in 1995 when I decided to run for the House of Representatives, I had a lot of questions, as journalists do, and I said where am I going to get the answers to these questions. The people of the committee said why don't you go ask the Clerk. Not being terribly familiar with this body or the members of this body, I said that I don't know who the Clerk is. They said that is really easy. That is Becky Wyke's husband, Joe. That is how I got to meet Mr. Mayo, as Becky Wyke's husband. It is with a great deal of pleasure this morning that I second the nomination of Becky Wyke's husband, Joe Mayo. Thank you.

Representative SAXL of Portland and Representative BROOKS of Winterport seconded the motion.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Men and Women of the House. I move that the name of Joseph G. Carleton of Wells be placed in nomination for Clerk of the House. It is my pleasure to nominate Joe Carleton for Clerk of the House. The Clerk's job has two major functions. One, not so visible and the other one is highly visible. In the not so visible role, the Clerk functions as the chief administrator in the Clerk's Office back here behind the chamber. It is here where all the papers and bills and other documents originate for the House. It is here where the Daily Calendar is prepared and it is there where all of the other functions that involve this chamber originate. It requires someone with good administrative skills and someone who takes attention to detail at heart. Joe Carleton has both of those qualities. During the past eight years, Joe has operated a highly successful law practice back home, while at the same time, serving in this chamber as a very active and involved legislator. He was, for example, for two years a member of the leadership team on this side of the aisle. He performed that job in an outstanding fashion. Last year, he served on the bipartisan committee involved in the computerization of the legislative process and has been recognized on both sides of the aisle as an expert in the details in converting this from a paper intensive process that we have now to something more technologically efficient.

In the more visible role of the Clerk, the one that we see when we are in daily session down here at the front, that position requires somebody who has a keen understanding of the legislative process. Joe Carleton knows that process. As a matter a fact, it was through Joe Carleton's initiative when he

was first a member of this House that we converted to Mason's Rules as the procedures we use here in the House and Senate for parliamentary procedure. Joe Carleton will do a fine job as Clerk of the House. He has the experience. He has the background and he has the skills to perform that job very well.

He, like most of us, however, has one flaw. That is the fact that he chose to be a lawyer for his occupation. I think notwithstanding that, however, he is still well qualified for that position. Thank you.

Representative BUCK of Yarmouth moved the name of JOSEPH G. CARLETON of Wells be placed in nomination for the Clerk of the House.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. I rise to second the nomination of Joseph Carleton and I wish to speak to my second. In the six years that I have served in this body with the Honorable Joseph G. Carleton he has proved to be a great resource in parliamentary procedure. Joe has not only been a resource, but an advisor. Often it meant pulling Joe to the back of the room behind the glass for a quick succinct answer to what could or couldn't be done as the process evolved. Joe was always there. He served in the leadership role, as you heard earlier, and did an outstanding job. Joe hasn't just been there when we need him to answer questions here, but he is known throughout the state as a parliamentarian.

This summer when a moderators ruling caused huge controversy in my town, I placed a call to Joe who very quickly pulled out the appropriate rules of order for such a meeting. He had several versions. He found a most recent version and found that the moderators ruling was, in fact, correct. It was not exactly what my constituents wanted to hear, but he gave me what I needed to get back with an answer that was appropriate, fully researched and very quickly done.

His legal training helps him do that in a very precise manner. Joe has shown a level of nonpartisanship that honestly has frustrated some of us. Joe is a very fair person and will let you know when what you are doing is not fair. Not what you always want to hear, but it is honest. I am pleased and honored to second the nomination of Joseph Carleton as Clerk of the House of the Representatives for the session of the 119th Session. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. Mr. Speaker I sincerely congratulate you on your election and know that every member of the chamber looks forward to working with you. It is my privilege to second the nomination of the Honorable Joseph G. Carleton of Wells for Clerk of the House. Although the rules prevent me from using a prop this morning, I have with me a memorandum that Representative Carleton distributed to all members of the House on January 14, 1997. Every day since that I have come to work in this building, I have carried that memo with me. The questions that were attached have also followed.

Many of you will remember that Joe Carleton had created a list of questions to ask, especially in committee, about every piece of pending legislation. It was entitled, Questions to Ask Myself about each Bill. With these two pieces of paper, Joe impressed me in my first week of lawmaking as a legislator who was dedicated to the democratic and deliberative process. Although the debate in this chamber or caucus would

occasionally become heated, Joe Carleton was always quietly present and ready to redirect the debate to the question at hand.

As a member of the State and Local Government Committee and as one whose own computer skills are limited to clicking the mouse to receive my E-mail, I became a strong advocate for the increased use of computer technology in the legislative process. With several bills before the State and Local Government Committee, the computer gurus, the bills sponsors and party leaders from both sides of the aisle stepped aside as Joe Carleton emerged from the audience to explain, in legislative speak, exactly what the legislative branch needed for computer capabilities to improve the efficiency of our process.

As you already know, Joe Carleton is an attorney in his life away from Augusta. I thought that this story that I have chosen to close with would be especially appropriate. Theodore Roosevelt once told a delightful story of a business person who had consulted an attorney for legal advice. The business person was having coffee with a friend one day and he recounted this experience. He said, Why do you spend your hard earned money for a lawyer? The law books in his office contained every answer you could ever want. Why didn't you just read the right book and find out the answer for yourself? It would have saved you a lot of money. That is true, replied the business person, but the difference is the lawyer knew what book to look in and what page the answer was found on. So it is with Joe Carleton. He understands the democratic and deliberative process. He is a parliamentarian. He has the resources that he needs to serve as Clerk of the House. Thank you.

Representative PLOWMAN of Hampden and Representative BUMPS of China seconded the motion.

Representative MURPHY of Kennebunk moved that nominations cease.

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

Total number of votes cast 149
 Total number of votes needed 75
 Joseph W. Mayo received 90
 Joseph G. Carleton received 59

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

On motion of Representative GAGNON of Waterville, Representative COWGER of Hallowell, Representative WATSON of Farmingdale, Representative GREEN of Monmouth, Representative TRUE of Fryeburg and Representative KNEELAND of Easton were appointed a Committee to receive, sort and count votes for Assistant Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. It is my great honor to place the name of Millicent M. MacFarland in nomination for Assistant Clerk of the Maine House of Representatives. The stature of this entire body is enhanced when we elect top-notch individuals like Millie to manage the essential day-to-day operations of the House. It doesn't matter whether we are Democrats, Republicans, Greens or Independents. Millie works with each of us and for each

member of this institution with the highest degree of cooperation, friendship, honesty, and above all, professionalism.

Along with overseeing the personnel functions of the House staff, Millie works closely with the Clerk in producing and taming the unruly paper behemoth that results from our legislative work. For this, she deserves not only to be re-elected, but clearly deserves combat pay and the Medal of Honor as well.

Millie has served the state for more than 20 years both in the Governor's Office and the House of Representatives. In this era of term limits, we are truly fortunate to benefit from the depth of experience and institutional memory. Millie has not only earned the respect of all of those in Maine government, but has served as associate vice-president of the American Society of Legislative Clerks and Secretaries and publishes the journal of that society. In October of 1997, she was one of only 19 individuals in the country to receive the Legislative Staff Achievement Award from the National Conference of State Legislatures.

So, it is with great pride that I nominate Millicent M. MacFarland as the next Assistant Clerk of the 119th Maine House of Representatives.

Representative COLWELL of Gardiner moved the name of MILLICENT M. MacFARLAND of Augusta be placed in nomination for Assistant Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Mr. Speaker, Men and Women of the House. Millie has a lot of wonderful traits that many of us who have served in this chamber realize. I want to just highlight five of them that jump to mind today. The Representative from Gardiner, Representative Colwell, mentioned several fine attributes of Millie. Along with the ones he mentioned, I just want to talk about dedication. Millie's consistent dedication to service to this chamber, to the members of this chamber, the staff. It has just been exemplary. Her reliability, for those of us who have been here, know that she is constantly here, constantly reliable and will follow through on suggestions, comments, questions and concerns we have. Professionalism, you don't get any better than Millie MacFarland. She is recognized nationally and, again, those who have served with her over the last few years know her professional capabilities are unsurpassed and knowledgeable. I know many times I have had questions about procedure, about a House Rule, about a Joint Rule, about a motion or this or that and anytime I ask Millie, she has it right there. That is a great asset for all of us, especially in the age of term limits. Now we don't have the 10 or 20 years to serve in here to learn all of these things. We need to have reliable knowledge of people like Millie who we can turn to.

Finally, her graciousness. We are very fortunate, I think, to have someone of Millie's personal characteristics serving us in the House. She is a wonderful human being. She works well with the staff, us, the Clerk and with the other chamber. I am just so proud to second her nomination for Assistant Clerk today and wish everyone to support her. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Madore.

Representative MADORE: Mr. Speaker, Ladies and Gentlemen of the House. It is an honor for me to second the nomination of my constituent, Millicent MacFarland for Assistant Clerk of the House. Since 1975, Millie has worked her way up through the ranks within state government and it is evident from everything that has been said about her today that she is a person who has never rested on her past accomplishments.

This past summer Millie and I worked closely with others as members of the House Restoration Committee. During that time we had the opportunity to discuss the many changes that have and will take place in this body. Aside from the physical changes, we have shared our hope for computers on legislator's desks as well as many other improvements which will make the Legislature and legislators more efficient. It was during this conversation that I was struck by Millie's tireless effort and vision as it relates to her position as Assistant Clerk. She has a great love for the process, the institution and a well deserved reputation for her fairness in dealing with legislators on both sides of the aisle. I hope you will join me in re-electing Millicent MacFarland to the position of Assistant Clerk of the Maine House of Representatives.

Representative SHIAH of Bowdoinham and Representative MADORE of Augusta seconded the motion.

Representative CAMPBELL of Holden moved that nominations cease.

The same Representative withdrew his motion.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Lovett.

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

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

Representative LOVETT of Scarborough seconded the motion.

Representative CAMPBELL of Holden moved that nominations cease.

On motion of Representative SHIAH of Bowdoinham, the Committee cast one vote for the House for MILLICENT M. MacFARLAND.

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

The following items were taken up out of order by unanimous consent:

COMMUNICATIONS

The Following Communication: (H.C. 11)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

December 2, 1998

Mr. Michael J. Cote

2 State House Station

Augusta, ME 04333-0002

Dear Mike:

Pursuant to House Rule 201.11 (b), I am pleased to reappoint you as the Sergeant-at-Arms for the 119th Legislature.

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

Sincerely,
S/G. Steven Rowe
Speaker of the House

READ and ORDERED PLACED ON FILE.

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

ORDERS

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

ORDERED, that Representative G. STEVEN ROWE of Portland be declared Speaker of the House of Representatives for a term to expire on December 5, 2000.

AND BE IT FURTHER ORDERED, that Joseph W. Mayo of Augusta be declared Clerk of the House of Representatives for a term to expire on December 5, 2000.

AND BE IT FURTHER ORDERED, that Millicent M. MacFarland of Augusta be declared Assistant Clerk of the House of Representatives for a term to expire on December 5, 2000.

READ and PASSED.

On motion of Representative MARTIN of Eagle Lake, Representative SAXL of Portland, Representative BERRY of Livermore, Representative BOUFFARD of Lewiston, Representative DESMOND of Mapleton, Representative RICHARD of Madison, Representative FULLER of Manchester, Representative LINDAHL of Northport, Representative BRUNO of Raymond, Representative LABRECQUE of Gorham and Representative MADORE of Augusta were appointed a Committee to notify the Governor of the organization of the House.

The Following Communication: (H.C. 2)

STATE OF MAINE
Office of the Secretary of State
December 2, 1998

To the Speaker of the House in the One Hundred and Nineteenth Legislature:

I, DAN A. GWADOSKY, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for State Representatives at the General Election held on the third day of November in the year one thousand nine hundred and ninety-eight;

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

REPRESENTATIVE TO THE LEGISLATURE

<u>District 1</u>	
LEMONT, KENNETH F., Kittery -----	1,915
<u>District 2</u>	
ANDREWS, MARY BLACK, York -----	2,134
ZIMMER, MICHAEL, York -----	1,560
<u>District 3</u>	

MOULTON, BRADLEY S., York -----	982
WHEELER, GARY J., Eliot -----	2,175
<u>District 4</u>	
ABBOTT, BARRY E., North Berwick -----	1,004
MACDOUGALL, JAY, North Berwick -----	1,425
<u>District 5</u>	
MURPHY, ELEANOR M., Berwick -----	1,063
WRIGHT, THOMAS J., Berwick -----	870
<u>District 6</u>	
CHADBOURNE, ROGER D., Sanford -----	704
CHICK, HOWARD A., Lebanon -----	1,375
<u>District 7</u>	
CLARK, RICHARD, Wells -----	1,484
COLLINS, RONALD F., Wells -----	1,838
<u>District 8</u>	
MURPHY, THOMAS W. JR., Kennebunk -----	2,681
WADE, JOHN, Kennebunk -----	1,294
<u>District 9</u>	
BOWLES, DAVID E., Sanford -----	1,194
PAUL, NORMAN R., Sanford -----	1,114
<u>District 10</u>	
LAROCHELLE, JOSEPH S. JR., Sanford -----	577
TUTTLE, JOHN L. JR., Sanford -----	1,293
<u>District 11</u>	
NASS, RICHARD A., Acton -----	2,595
<u>District 12</u>	
MCALLEVEY, MICHAEL J., Waterboro -----	2,343
<u>District 13</u>	
BERGERON, ROGER, Lyman -----	1,212
DAIGLE, ROBERT A., Arundel -----	1,548
<u>District 14</u>	
SAVAGE, WILLIAM R., Buxton -----	1,450
VEDRAL, JOHN W. III, Buxton -----	1,428
<u>District 15</u>	
O'NEIL, CHRISTOPHER P., Saco -----	1,947
TUTTLE, MILDRED A., Saco -----	896
<u>District 16</u>	
KANE, THOMAS J., Saco -----	2,235
<u>District 17</u>	
JOYCE, STEVEN M., Biddeford -----	1,472
SULLIVAN, NANCY B., Biddeford -----	1,831
<u>District 18</u>	
FRECHETTE, ROGER D., Biddeford -----	873
WHALEN, W. STURGIS, Biddeford -----	448
<u>District 19</u>	
TWOMEY, JOANNE T., Biddeford -----	1,910
<u>District 20</u>	
CROWLEY, JOHN P. III, Old Orchard Beach -----	1,061
LEMOINE, DAVID G., Old Orchard Beach -----	1,777
<u>District 21</u>	
CARLETON, MICHAEL D., Scarborough -----	1,483
LOVETT, GLENYS P., Scarborough -----	2,572
<u>District 22</u>	
CLOUGH, HAROLD A., Scarborough -----	2,676
<u>District 23</u>	
LABRECQUE, JANICE E., Gorham -----	2,425
<u>District 24</u>	
CIANCHETTE, PETER E., South Portland -----	2,082
MCCOY, B. NOLAN, South Portland -----	1,400
<u>District 25</u>	
MARVIN, JEAN GINN, Cape Elizabeth -----	3,301
<u>District 26</u>	
MCCARTAN, MICHAEL JOHN, South Portland -----	1,031

LEGISLATIVE RECORD - HOUSE, December 2, 1998

MUSE, CHRISTOPHER T., South Portland-----	2,203	RICHARDSON, JOHN G., Brunswick-----	1,351
<u>District 27</u>		<u>District 50</u>	
GLYNN, KEVIN J., South Portland-----	1,301	DAVIDSON, THOMAS M., Brunswick-----	2,180
MORGAN, ALTON E., South Portland-----	1,180	<u>District 51</u>	
<u>District 28</u>		BICKFORD, DWAYNE F., Harpswell-----	1,298
USHER, RONALD E., Westbrook-----	2,085	ETNIER, DAVID M., Harpswell-----	2,454
<u>District 29</u>		<u>District 52</u>	
DUPLESSIE, ROBERT W., Westbrook-----	2,390	BROWN, DAVID C., Topsham-----	893
<u>District 30</u>		TRIPP, VERDI L., Topsham-----	1,858
DUDLEY, BENJAMIN F., Portland-----	1,875	<u>District 53</u>	
MARSANO, ELIZABETH A., Portland-----	767	PEARSON, JAMES A., Richmond-----	805
<u>District 31</u>		SHIAH, DAVID C., Bowdoinham-----	2,091
LEBLOND, ROBERT J., Portland-----	361	<u>District 54</u>	
MEIKLEJOHN, BENJAMIN, Portland-----	639	MAYO, ARTHUR F. III, Bath-----	1,777
SAXL, MICHAEL V., Portland-----	1,455	SARGENT, BARBARA, Bath-----	788
<u>District 32</u>		<u>District 55</u>	
MCDONOUGH, JOHN F., Portland-----	2,398	COONEY, WILLIAM T., Westport-----	1,043
<u>District 33</u>		PEAVEY, JUDITH B., Woolwich-----	2,193
QUINT, MICHAEL W., Portland-----	1,262	<u>District 56</u>	
<u>District 34</u>		HATCH, FRED B. III, Bristol-----	1,584
GIERINGER, F. THOMAS JR., Portland-----	1,176	PIEH, WENDY, Bremen-----	2,184
NORBERT, WILLIAM S., Portland-----	2,000	<u>District 57</u>	
<u>District 35</u>		BARTH, BENJAMIN M., Alna-----	268
ROWE, G. STEVEN, Portland-----	2,108	JONES, DONALD L., Wiscasset-----	1,254
<u>District 36</u>		RINES, BENJAMIN L. JR., Wiscasset-----	1,713
CENCI, MARK, Portland-----	441	<u>District 58</u>	
TOWNSEND, ELIZABETH, Portland-----	2,373	HONEY, KENNETH A. Boothbay-----	2,394
<u>District 37</u>		MCNELIS, PETER J., Boothbay Harbor-----	1,484
BRENNAN, MICHAEL F., Portland-----	2,549	<u>District 59</u>	
<u>District 38</u>		CARTWRIGHT, STEVEN, Waldoboro-----	1,626
BRUNO, JOSEPH, Raymond-----	1,827	TRAHAN, A. DAVID, Waldoboro-----	1,732
MORSE, DENIS A., Raymond-----	1,284	<u>District 60</u>	
<u>District 39</u>		O'HAVERTY, JAMES H., Hope-----	1,139
MCKEEN, ELDEN, Windham-----	984	SAVAGE, CHRISTINE R., Union-----	2,017
TOBIN, DAVID L., Windham-----	1,907	<u>District 61</u>	
<u>District 40</u>		JOHNSON, MASON, Thomaston-----	1,255
DAVIS, GERALD M., Falmouth-----	2,351	SKOGLUND, JAMES G., St. George-----	2,003
MCCOOL, ELAINE M., Falmouth-----	2,243	<u>District 62</u>	
WROBLESKI, JOSEPH, Falmouth-----	400	LEVASSEUR, SHAWN S., Rockland-----	101
<u>District 41</u>		MCNEIL, DEBORAH KALER, Rockland-----	1,283
FOSTER, CLIFTON E., Gray-----	1,753	PEABODY, ROBERT A. JR., Rockland-----	970
THAXTER, ANN H., New Gloucester-----	1,529	<u>District 63</u>	
<u>District 42</u>		MADDOX, WILLIAM S., Rockport-----	1,219
MCKENNEY, TERENCE P., Cumberland-----	2,527	POWERS, JUDITH A., Rockport-----	2,153
YAHR, JENNIFER GERMAINE, Cumberland-----	1,726	<u>District 64</u>	
<u>District 43</u>		BLANCHARD, DANIEL G., Mechanic Falls-----	810
LYMBURNER, DOLORES J., Standish-----	1,202	FOLEY, NELSON JR., Oxford-----	293
MACK, ADAM, Standish-----	1,955	HEIDRICH, THEODORE H., Oxford-----	1,282
<u>District 44</u>		<u>District 65</u>	
BUCK, JOHN T., Yarmouth-----	2,385	JODREY, ARLAN R., Bethel-----	2,418
GOODRICH, DEBORAH ANNE, Yarmouth-----	1,294	<u>District 66</u>	
<u>District 45</u>		DEXTER, EDWARD L., Kingfield-----	1,576
PINAULT, PAMELA, Porter-----	796	MCGLOCKLIN, MONICA, Embden-----	1,596
TRUE, HARRY G., Fryeburg-----	1,583	<u>District 67</u>	
<u>District 46</u>		ARSENAULT, JAMES, Dixfield-----	463
WATERHOUSE, G. PAUL, Bridgton-----	2,583	BRYANT, BRUCE S., Dixfield-----	1,540
<u>District 47</u>		GAUDET, SUSAN D., Mexico-----	395
THOMPSON, RICHARD H., Naples-----	2,462	<u>District 68</u>	
<u>District 48</u>		EMMERTON-BUEHL, DUNDEE, Norway-----	845
BEAULIEU, GENIE A., Freeport-----	1,200	WINSOR, TOM J., Norway-----	1,649
BULL, THOMAS, Freeport-----	2,661	<u>District 69</u>	
<u>District 49</u>		GAGNE, ROSITA, Buckfield-----	1,571
PINKHAM, REGINALD G., Brunswick-----	1,294	LORD, HARVEY R., Paris-----	488

LEGISLATIVE RECORD - HOUSE, December 2, 1998

ROBINSON, BARBARA E., Paris -----	801	POULIN, LARRY, Lewiston-----	797
<u>District 70</u>		<u>District 91</u>	
CAMERON, ROBERT A., Rumford -----	1,448	COLWELL, PATRICK, Gardiner -----	2,099
MARTIN, J. EDWARD, Rumford -----	1,324	<u>District 92</u>	
<u>District 71</u>		COWGER, SCOTT W., Hallowell-----	2,221
HUDNUT, CHAD A., Poland-----	856	GRANT, JONI L., Hallowell-----	873
SNOWE-MELLO, LOIS A., Poland -----	2,100	<u>District 93</u>	
<u>District 72</u>		BERRY, RANDALL L., Livermore-----	2,106
DOUCETTE, RICHARD G., Auburn -----	1,173	<u>District 94</u>	
SHIELDS, THOMAS F., Auburn -----	1,947	MITCHELL, CHARLES E., Vassalboro -----	1,613
<u>District 73</u>		ROBERTS, DONALD A., Augusta -----	1,305
GERRY, BELINDA A., Auburn -----	976	<u>District 95</u>	
WOOLF, ARNOLD L., Auburn -----	599	JONES, BLAIR SHERIDAN, Augusta-----	896
<u>District 74</u>		MADORE, DAVID R., Augusta -----	1,413
BOLDUC, BRIAN, Auburn -----	1,506	<u>District 96</u>	
FARRINGTON, ALBERT S., Auburn -----	995	O'BRIEN, JULIE ANN, Augusta -----	1,893
<u>District 75</u>		<u>District 97</u>	
JACOBS, PATRICIA T., Turner-----	1,542	RICHARD, SHIRLEY K., Madison -----	2,135
NICKERSON, ROY I., Turner -----	1,288	<u>District 98</u>	
<u>District 76</u>		HATCH, PAMELA H. Skowhegan-----	1,594
CRANDALL, JESSE J., Mercer -----	1,322	SUMMERS, DAVID G., Skowhegan-----	973
SAMSON, ROLAND B., Jay-----	1,631	<u>District 99</u>	
<u>District 77</u>		JABAR, JOSEPH M. SR., Waterville-----	1,474
LAVERDIERE, CHARLES C., Wilton-----	2,463	<u>District 100</u>	
<u>District 78</u>		GAGNON, KENNETH T., Waterville -----	1,593
CROSSMAN, THOMAS, Farmington-----	702	<u>District 101</u>	
GOOLEY, WALTER R., Farmington -----	1,622	HODSDON, ALBERT E. III, Fairfield-----	567
<u>District 79</u>		TESSIER, PAUL L., Fairfield-----	1,528
MCKEE, LINDA R. Wayne-----	1,889	<u>District 102</u>	
RHEAUME, PAUL, Winthrop-----	1,313	MATTHEWS, ZACHARY E., Winslow -----	1,713
<u>District 80</u>		MCDONALD, JEREMIAH L., Winslow-----	649
FULLER, ELAINE, Manchester-----	2,245	<u>District 103</u>	
JURCZAK, FRANCES, Manchester-----	1,062	MARSTON, BERTRAM, Oakland-----	1,014
<u>District 81</u>		NUTTING, ROBERT W., Oakland-----	1,572
HOLMES, KERRY L., Norridgewock-----	188	<u>District 104</u>	
JARVIS, R. DAVID, Norridgewock-----	1,194	BRADLEY, RICHARD, Detroit -----	960
TRACY, RICHARD H. C., Rome-----	1,276	JONES, SUMNER A. JR., Pittsfield -----	1,579
<u>District 82</u>		<u>District 105</u>	
CARBONNEAU, GABRIELLE J., West Gardiner -----	1,317	LINDAHL, DAVID A., Northport-----	1,557
WATSON, ELIZABETH, Farmingdale-----	1,662	MARSHALL, JOHN E., Belfast -----	1,251
<u>District 83</u>		<u>District 106</u>	
GREEN, BONNIE, Monmouth -----	1,772	BELANGER, IRENE L., China -----	725
KAUFFMAN, SCOTT E., Sabattus-----	1,072	BUMPS, RANDALL L., China-----	1,725
<u>District 84</u>		<u>District 107</u>	
CHIZMAR, NANCY L., Lisbon-----	1,454	BROOKS, JOSEPH E., Winterport -----	1,573
CRAFTS, DALE, Lisbon -----	1,146	TUFTS, ROBERT L., Stockton Springs-----	1,409
<u>District 85</u>		<u>District 108</u>	
SCHNEIDER, WILLIAM J., Durham-----	1,582	DINSMORE, ROSE ROGAN, St. Albans-----	888
TAMULEVICH, DAVID M., Durham-----	1,299	STEDMAN, VAUGHN A., Hartland -----	1,635
<u>District 86</u>		<u>District 109</u>	
ADAMS, GARY L., Lewiston-----	827	BERRY, DONALD P. SR., Belmont -----	1,596
MAILHOT, RICHARD H., Lewiston -----	2,028	JOHNSON, BETTY I., Lincolnville -----	1,316
<u>District 87</u>		<u>District 110</u>	
COTE, WILLIAM R., Lewiston -----	1,011	CHEESEMAN, ALICE C., Unity -----	1,188
POULIN, RAY, Lewiston-----	499	WESTON, CAROL, Montville -----	1,486
<u>District 88</u>		<u>District 111</u>	
LEMAIRE, PATRICIA, Lewiston -----	1,304	JOHNSON, RICHARD A., Sebec -----	1,388
MENDROS, STAVROS J., Lewiston-----	1,605	RICHARDSON, EARL E., Greenville-----	1,766
<u>District 89</u>		<u>District 112</u>	
GAMACHE, ALBERT P., Lewiston-----	832	CROSS, RUEL P., Dover-Foxcroft-----	1,561
ITO, THOMAS C., Lewiston -----	251	WHITE, KENNETH W., Atkinson -----	1,185
<u>District 90</u>		<u>District 113</u>	
BOUFFARD, GERALD N., Lewiston-----	1,778	ROSEN, RICHARD W., Bucksport -----	2,412

LEGISLATIVE RECORD - HOUSE, December 2, 1998

<u>District 114</u>	
PEASE, CARL E., Hampden	1,430
PLOWMAN, DEBRA D., Hampden	2,087
<u>District 115</u>	
BUBAR, B. CALVIN III, Brewer	1,122
FISHER, CHARLES D., Brewer	1,801
<u>District 116</u>	
CAMPBELL, RICHARD H., Holden	1,685
HAYES, KENNETH P., Veazie	1,397
<u>District 117</u>	
BAKER, CHRISTINA L., Bangor	1,360
FARNHAM, WILLARD C., Bangor	1,335
<u>District 118</u>	
PERRY, JOSEPH C., Bangor	1,595
RUTAN, MICHAEL, Bangor	914
<u>District 119</u>	
ALLEN, ANNE E., Bangor	752
BRAGDON, TARREN R., Bangor	1,098
<u>District 120</u>	
HAGHKERDAR, BONNIE L., Bangor	794
SAXL, JANE W., Bangor	1,357
<u>District 121</u>	
DUNLAP, MATTHEW, Old Town	1,584
GRADY, MARIE C., Old Town	879
<u>District 122</u>	
PIPER, DONALD A. JR., Levant	1,298
WILLIAMS, DANIEL B., Orono	1,433
<u>District 123</u>	
MORELLI, SCOTT T., Orono	550
STEVENS, KATHLEEN A., Orono	1,299
<u>District 124</u>	
SHEPLEY, DONALD E., Hermon	1,348
TREADWELL, RUSSELL P., Carmel	1,433
<u>District 125</u>	
HAMMOND, BERNARD, Charleston	1,082
KASPRZAK, SUSAN, Newport	1,667
<u>District 126</u>	
FOLSOM, LAWRENCE W., Garland	550
TOBIN, JAMES H. JR., Dexter	1,958
<u>District 127</u>	
GARLAND, FREDERICK R., Ellsworth	698
POVICH, EDWARD J., Ellsworth	2,487
<u>District 128</u>	
BLAKE, CYNTHIA L., Blue Hill	1,317
PERKINS, ROYCE W., Penobscot	2,211
<u>District 129</u>	
GRINDAL, CLARE F., Sedgwick	1,404
VOLENIK, PAUL, Brooklin	1,850
<u>District 130</u>	
RADFORD, MARY ANN, Mount Desert	1,616
STANWOOD, ROBERT E., Southwest Harbor	1,894
<u>District 131</u>	
DUGAY, EDWARD R., Cherryfield	1,708
GORDON, HELEN D., Sullivan	1,086
<u>District 132</u>	
PINKHAM, WILLIAM D., Lamoine	1,789
WAGNER, JAMES B., Sorrento	933
<u>District 133</u>	
BAGLEY, MARTHA A., Machias	1,318
LOOK, THEONE F., Jonesboro	848
<u>District 134</u>	
GOODWIN, ALBION D., Pembroke	1,433
WAKIN, JOHN M., Eastport	1,006

<u>District 135</u>	
DRISCOLL, JOSEPH D., Calais	1,078
SHOREY, KEVIN L., Calais	1,365
<u>District 136</u>	
BUNKER, GEORGE H. JR., Kossuth Township	1,290
GILLIS, BARRY G., Danforth	1,356
<u>District 137</u>	
HASKELL, ANITA P., Milford	1,076
SANBORN, LAURA J., Alton	1,251
<u>District 138</u>	
CARR, RODERICK W., Lincoln	1,644
FALOON, CARLTON L., Howland	743
<u>District 139</u>	
STANLEY, STEPHEN S., Medway	2,031
<u>District 140</u>	
CLARK, JOSEPH E., Millinocket	2,126
<u>District 141</u>	
DUFFY, CATHERINE R., Benedicta	749
JOY, HENRY L., Crystal	1,521
<u>District 142</u>	
CASSIDY, ODEN F., Hodgdon	1,068
SHERMAN, ROGER L., Hodgdon	1,322
<u>District 143</u>	
WHEELER, EDGAR, Bridgewater	1,730
<u>District 144</u>	
KNEELAND, RICHARD, Easton	1,948
<u>District 145</u>	
DUNCAN, RICHARD H., Presque Isle	1,379
MCLAUGHLIN, EUGENE J. JR., Presque Isle	792
<u>District 146</u>	
DESMOND, MABEL J., Mapleton	2,072
<u>District 147</u>	
BELANGER, IRVIN G., Caribou	1,729
<u>District 148</u>	
KING, MARILYN C., Limestone	370
O'NEAL, GARY L., Limestone	421
<u>District 149</u>	
SIROIS, ROSAIRE J., Caribou	1,477
<u>District 150</u>	
AHEARNE, DOUGLAS J., Madawaska	2,269
<u>District 151</u>	
BELANGER, DUANE J., Wallagrass	1,038
MARTIN, JOHN L., Eagle Lake	1,938

I, DAN A. GWADOSKY, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Representatives at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.

S/DAN A. GWADOSKY
Secretary of State

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 3)
**PENOBSCOT INDIAN NATION
OFFICE OF THE TRIBAL CLERK
COMMUNITY BUILDING
INDIAN ISLAND
OLD TOWN, MAINE 04468**

October 6, 1998
Hon. Joseph W. Mayo
Clerk of the House of Representatives
Clerk's Office Room 300

State House

Augusta, Maine 04333

Dear Clerk of the House of Representatives,

This is to certify that Donna M. Loring was duly re-elected Representative to the State Legislature for a term of two years beginning on the first day of October, 1998 and ending on September 30, 2000.

The Biennial General Tribal Election was held on September 12, 1998 under the provisions of Chapter 4 of the Penobscot Nation Laws and Ordinances.

Sincerely,

S/Lorraine Dana

Tribal Clerk

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 4)
**PASSAMAQUODDY TRIBE
JOINT COUNCIL CLERK
P.O. BOX 343
PERRY, MAINE 04667**

October 8, 1998

Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333-0002

Dear Clerk Mayo:

Certified that the Passamaquoddy Tribe duly elected Donald G. Soctomah, as Tribal Representative to the Maine State Legislature for a term of four years commencing October 1, 1998 to September 30, 2002.

Tribal Elections were held at the Pleasant Point and Indian Township Passamaquoddy Reservations on September 8, 1998, results of those elections held were accepted by the Passamaquoddy Joint Tribal Council at a meeting held on September 30, 1998 at Pleasant Point.

Sincerely,

S/Mary J. Lola-Nicholas

Joint Council Clerk

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 5)
**STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL
SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION #58
AUGUSTA, MAINE 04333**

Date: June 18, 1998

TO: Honorable Angus S. King, Jr., Governor

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

Honorable Michael H. Michaud, Senate Chair

Honorable George J. Kerr, House Chair

Members, Joint Standing Committee on Appropriations
and Financial Affairs

From: S/John R. Nicholas, State Budget Officer

Subject: Revised Report on the forecast of revenues and expenditures for the General Fund and the Highway Fund for the FY 98-99 biennium and the FY 2000-2001 biennium.

Enclosed is a revised report of the four year budget forecast for the General Fund and the Highway Fund for the FY 98-99 biennium and the FY 2000-2001 biennium.

This revised report is the result of one time appropriations in FY 99 and phased in appropriations and revenues in FY 2000 and FY 2001 for the General Fund that had not been appropriately reflected in the May 29, 1998 report. Changes were not required in the four year budget forecast for the Highway Fund for the FY 98-99 biennium and the FY 2000-2001 biennium.

The enclosed revision in the four year budget forecast for the General Fund for the FY 2000-2001 biennium represents a variance from the previous forecast of -.15% for revenues and -1.5% for appropriations. As a refinement of the previous four year budget forecast, this updated report should provide a more complete four year budget forecast for the General Fund and the Highway Fund based on currently available data. The Bureau of the Budget will again update its four year budget forecast for the General Fund and the Highway Fund on September 30, 1998 as required by Public Law 1997, chapter 643, Section E-3.

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 6)
**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035**

June 30, 1998

The Honorable Elizabeth H. Mitchell

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Mitchell:

Pursuant to the Charitable Solicitations Act, 9 MRSA Section 5010, enclosed is the 1997 Annual Report on the activity of charitable organizations in the State of Maine.

Please do not hesitate to contact us with any questions.

Sincerely,

S/S. Catherine Longley

Commissioner

READ and with accompanying papers ORDERED PLACED ON FILE.

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

The Following Communication: (H.C. 7)
**STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL
SERVICES
BUREAU OF ACCOUNTS AND CONTROL
14 STATE HOUSE STATION
AUGUSTA, ME 04333**

July 23, 1998

The Honorable Elizabeth H. Mitchell

Speaker of the House
118th Legislature
The Honorable Mark W. Lawrence
President of the Senate
118th Legislature

Dear Ms. Speaker and Mr. President:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, I am pleased to submit the Financial Report of the State of Maine for the Fiscal Year ended June 30, 1997.

Attached to this letter is a memorandum specifying the improvements made to this Annual Report. These changes bring the State's financial reporting closer to GAAP/GASB compliance. At this time several bids from accounting firms are being evaluated, and one will be selected to help complete compliance for future Annual Reports. Total compliance with GAAP/GASB standards will be achieved when the State's fixed asset inventory is done in conjunction with adding the Fixed Asset module to the MFASIS accounting system, all of which is in process.

We are pleased to deliver these improvements and believe that the added information and schedules will be a benefit to everyone. Comments about any facet of this report are welcome.

Sincerely,
S/Carol F. Whitney
State Controller

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 8)

**STATE OF MAINE
DEPARTMENT OF AUDIT
66 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0066
Letter of Transmittal**

Senator Mark Lawrence
President of the Senate
Honorable Elizabeth H. Mitchell
Speaker of the House of Representatives
The Honorable Angus S. King, Jr.
Governor of Maine

Mr. John Fisher, Manager
National External Audit Review Center

U.S. Department of Health and Human Services

We are pleased to submit the Single Audit of the State of Maine as of and for the fiscal year ended June 30, 1997.

The audit, which covered over \$4 billion in expenditures and of which \$1.4 billion was for various Federal programs, was conducted pursuant to Title 5 MRSA §243, subsection 1, which authorizes the Department of Audit:

To perform a postaudit of all accounts and other financial records of the state government or any department or agency thereof, including the judiciary and the Executive Department of the Governor, except the Governor's expense account, and to report annually on this audit, and at such other times as the Legislature may require.

In addition, the audit was conducted to meet the requirements of Title 31, Chapter 75, United States Code, as amended by the Single Audit Act Amendments of 1996, and the associated Circular A-133, *Audits of States, Local Governments and Non-*

Profit Organizations, issued by the U.S. Office of Management and Budget.

The objectives of the audit were:

- To examine the State's financial statements and determine if they were presented fairly and in conformity with generally accepted accounting principles,
- To assess the adequacy of the State's system of internal control over financial reporting and compliance with laws and regulations,
- To assess the State's compliance with laws and regulations, and
- To recommend corrective actions for any deficiencies noted.

We identified certain weaknesses in the State of Maine's internal control structure, and certain instances of noncompliance with laws and regulations that are described in more detail in the accompanying report.

On behalf of the Department of Audit, I would like to express my gratitude to employees throughout State government who have assisted us during the conduct of our audit and in the issuance of this report. We continue our mutual effort to improve financial reporting and accountability to the citizens of our State. We would be pleased to respond to any questions or comments about the 1997 Single Audit of the State of Maine.

Respectfully submitted,
S/Gail M. Chase, CIA
State Auditor

August 31, 1998

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 9)

**TOWN OF TOPSHAM
OFFICE OF THE TOWN MANAGER
22 ELM STREET
TOPSHAM, ME 04086-1496**

October 16, 1998

The Maine State Legislature
Att: Hon. Joseph W. Mayo, Clerk
Capitol Building
State House Complex
Augusta, ME 04333

Dear Clerk Mayo:

Please accept this Resolution as an official thank you from the Town of Topsham, its officials, and residents regarding the Coastal Connector Highway, Merrymeeting Bridge, and signing of the Coastal Connector.

Under separate cover, we have also sent the Resolution to Governor Angus King and DOT Commissioner John Melrose.

As we are reaching the one year anniversary of the opening of the Coastal Connector, we thought it would be appropriate to commend the State on this wonderful by-pass. Not only has it relieved an extraordinary traffic congestion problem and made driving through the area a great convenience for commuters, but it has also allowed the community to utilize its Main Street area once again.

Thanks so much for your assistance in this matter.

Sincerely yours,
S/Kathryn Ruth
Town Manager

**RESOLUTION
THE TOWN OF TOPSHAM
MAINE**

BE IT HEREBY RESOLVED:

WHEREAS, the concept of a bypass in the Topsham-Brunswick area had been discussed since the 1950's and official planning began in 1984;

WHEREAS, the State of Maine has contributed 43 million dollars in the design and construction of the Coastal Connector Highway, Merrymeeting Bridge, and signing of the Coastal Connector through state and federal funding sources;

WHEREAS, the construction of the bypass began in November of 1994 with the first phase consisting of Route 196 in Topsham and the last phase of the Merrymeeting Bridge spanning the Androscoggin River to Route 1 in Brunswick was completed in November of 1997;

WHEREAS, the official opening of the Coastal Connector in November of 1997 has relieved the daily traffic congestion in Topsham especially during the morning and afternoon commuter periods;

WHEREAS, the residents and community of Topsham have been given back their downtown area with the reduction in traffic congestion along Main Street and travel from different areas of the town has been greatly enhanced;

WHEREAS, we are reaching the one year anniversary of the opening of the Coastal Connector;

THEREFORE, the Town of Topsham would like to extend a VERY LARGE THANK YOU to the Maine State Legislature, Governor Angus King, Commissioner John Melrose, and all the DOT personnel who worked so hard over an extended period of time to make the Coastal Connector a reality. The Town of Topsham, its officials, and residents greatly appreciate your efforts.

SIGNED this 15th day of October, 1998 by the Board of Selectmen:

S/Peter Lepari Chairman
James Bongiorno, Vice-Chairman
S/William Larrabee
S/Ronald McKinnon
S/Roger Caouette

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 10)
**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION TO EXAMINE RATE SETTING
AND THE FINANCING OF
LONG-TERM CARE FACILITIES**

November 20, 1998

The Honorable Mark W. Lawrence, President
Maine State Senate

The Honorable Elizabeth H. Mitchell, Speaker
Maine House of Representatives

State House
Augusta, ME 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Resolves 1997, chapters 81 and 129, the Commission To Examine Rate Setting and the Financing of Long-Term Care Facilities is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Health and Human Services in

accordance with the law. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Joseph M. Kozak, Esq., Chair
Commission To Examine Rate Setting and the
Financing of Long-Term Care Facilities

READ and with accompanying papers ORDERED PLACED ON FILE.

ORDERS

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

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

READ and PASSED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

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

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

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

READ and PASSED.

Sent for concurrence.

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

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

READ and PASSED.

Sent for concurrence.

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

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

READ and PASSED.

Sent up for concurrence.

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

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

READ and PASSED.

On motion of Representative CHIZMAR of Lisbon, the following House Order: (H.O. 2)

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

READ and PASSED.

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

ORDERED, that the remaining subordinate officers of the House be appointed to serve for the present biennium as follows: by the Clerk, a Chief Calendar Clerk, two Advance Journal and Calendar Clerks, an Administrative Assistant, a Journal Copy Clerk, a House Reporter, a Systems Support Coordinator, a Chamber Activities Coordinator, and a Telephone Receptionist, and be it further

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

READ and PASSED.

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

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

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

READ and PASSED.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

On motion of Representative SAXL of Portland, the House recessed until 2 p.m.

(After Recess)

The House was called to order by the Speaker.

At this point, a message was received from the Senate, borne by Senator Rand of Cumberland of that body, that the Senate had been duly organized by the election of Honorable

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

At this point, the Speaker appointed Representative SHIAH of Bowdoinham to inform the Senate that the House was duly organized for business.

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

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

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

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

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

In Convention

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

The Convention was called to order by the Chairman.

The CHAIR: Nominations are now in order for the Office of Secretary of State for the political years 1999 & 2000.

The Chair recognizes the Senator from Cumberland, Senator Kontos.

Senator **KONTOS**: Mr. Chairman, I nominate Dan A. Gwadosky from Fairfield for the Office of Secretary of State for the political years 1999 & 2000. This is a very familiar spot. I like this very much. Good afternoon and please join me in voting for and supporting Dan Gwadosky to continue his service as Secretary of State. I believe Maine is truly blessed to have someone of Dan's caliber willing to serve in this most important position. As many of you already know, the Office of the Secretary of State has over 450 employees. It is larger than some of the towns some of you represent, I suppose, which makes it an important management job.

Secondly, the office generates over \$160 million for every biennial budget because of the kinds of services it provides. It is a major part of state government. It is a major office. For that position, we need people of the quality and the character and the skill of Dan Gwadosky. As you know, he is no stranger to this

place. It is amazing to me to imagine that 20 years ago Dan began his service in this body, 20 years. Think about what you were doing 20 years ago and imagine that he was here beginning his distinguished service as a public official.

During that time, all of us have come to know his deep heartfelt commitment to the public sector, public service and to elected office. He has been credited by many, including many of you in this body today, for his collaborative attitude, his civility, his determination and his sense of common purpose. Those all matter to all of us. For that reason, I ask you to join in supporting his reappointment or reelection to the Secretary of State.

There are some things that Dan has done in his first term as Secretary of State that he wrote you about in the letter, but I want to reiterate here for the public record so that all of you are reminded of the scope of this office and the kind of skill that Dan brings to it. He has spearheaded an effort to provide a service called INFORME, which many of you will continue to read about, providing public access to information on the internet about state government. We will be one of six states in the country that will have this service. It will be one of the things that will reduce the barriers that are part of a state that is mostly rural and a state that needs to rely on timely consistent state services. To me, that particular endeavor led by the Secretary of State and his staff demonstrates his commitment to technology and the importance that he holds for access to information.

He has a second commitment equally important to good management. In this case, Dan's background in business and his absolutely unparalleled skill as a manager intersect. What happens when people have those skills is that folks from the outside will come as someone did to me in the past week. Dan Gwadosky is a manager of managers. He has a great skill of bringing complicated processes together and pairing them down into small units and rebuilding them so there is more efficiency, accountability and greater productivity. He has done that by putting together a strategic plan for all three of the bureaus that the Secretary of State oversees. That is Archives, Corporations and Elections and the Bureau of Motor Vehicles. That is an important skill. It is one that many of us knew when he served here as Majority Leader and as Speaker, but one that is absolutely critical in his success as Secretary of State.

The third commitment and one that many of us value maybe the most of any of things that we know about him. It is his strong commitment to young people. What you have seen in just two years are two major initiatives from Dan and his staff that really set Maine apart. The first is his development of a kid's page on the web site, which I believe will win a major award, eventually, and one that you should all bookmark on your computers so you can go to it and update yourself, your youngsters and your neighbors with all kinds of great information about the State of Maine. That was his idea. It was his innovation and it was his leadership and he made it happen. We will all take credit for it because that is what we do sometimes, but it is a fabulous, fabulous project.

Secondly, and probably the one that most of us have heard the most about in the last two years is his initiative with the Young Drivers Task Force. Probably more than anything he has done, this may leave us with the finest legacy in terms of protecting young people on the roads. It was a bill passed by the Legislature. All of us have every right to take credit for having done that. It worked very well through the Committee on Transportation. In order to change the rules and the guidelines

about how young drivers behave on the roads. What happens for them to get their license, what the penalties are when they don't do things appropriately and to make sure we keep young drivers safe behind the wheel. This particular initiative has already won a national award from the National Commission Against Drunk Driving. You would have read about that already, but I am here today to remind you of the distinguished work of Maine's Secretary of State. I would like to remind you that we all ultimately take credit and enjoy the positive work that has been done by someone of Dan's qualities.

A fourth commitment is to carry out the public policy and the laws of the State of Maine. The difference from moving from this body, as I see it, to an office where there is a management job, is that you only indirectly get to affect policy the way you might have been accustomed to in the past. The Secretary of State's Office always puts together a package of information for legislation, but it is up to us to review it and to dispose of it.

One of the laws that hasn't received as much attention as some of the others I mentioned to you was initiated in 1996. It carried on under Dan's jurisdiction, which is the Motor Carrier Review Board. This gets out an issue that many of us have thought about and heard about from our constituents, which is the safety on our roads practiced by truckers. So far, because of the Motor Carrier Review Board that has been constituted by the Secretary of State, 286 trucking companies that do business in Maine have been reviewed. Sixty-six of those had hearings, which meant something about the way they did business in Maine needed to have further attention. Eight of those companies were suspended for a time until safety standards were brought into compliance. That is quite a piece of the job of the Secretary of State's Office. It is clearly one that affects all of us. It affects our constituents. It affects the businesses that are eager to do business with us in Maine.

Finally, Dan has a strong commitment to what he used to call the democracy business. You saw some of that, those of you who were in towns that were part of the pilot project where you have stickers that said, I voted today, on election day this November. It is a way to see whether greater attention to us on election day will actually do something to increase voter participation. That pilot was done as a way to see whether we can collect some data and see if there are things we can do to continue to make Maine at the forefront of voter participation in this country. There were mock elections conducted in the fall that were, again, part of that intersection between the concern about young people and the concern about democracy and our practices. Those were very successful.

Thirdly, eighth grade citizenship awards in which many of you participated, included 80 schools and over 50 legislators who went to schools and made awards based on essays that young people had contributed. All of that, again, to bring public policy, the business of government into schools and communities to remind people of our wonderful opportunities in a democratic institution and a democratic society.

On a personal note, Dan and I have been friends since I came in in the 115th. In large part, that was because he was a friend of my predecessor, Bill Diamond, who was the Secretary of State at the time. I feel a personal affinity to that office because of these two friends and because of the kind of work that they do. They also share our interests in making sure government works well and making sure that we are able to our jobs well and that the Secretary of State's Office provides adequate timely information when we have constituent issues that need attention. He cares deeply about this institution. He is

a champion for what we do. He cares very much that we feel successful in our jobs. He also cares very much about Fairfield. His wife Cheryl and their kids, Josh and Jess, his mom and sister are both here with him today. He cares very much about women's basketball, particularly when Cindy Blodgett is playing. He loves his Maine roots. When you think about the Secretary of State's Office, I want you to think about all of those commitments that I have suggested. The person who currently holds the office and his deep desire to make that office work and remind yourself that holding that office is more than putting your name on a driver's license. It has a lot to do with making government work well in a whole variety of ways. For all of those reasons, I know you will be pleased to join me in supporting Dan A. Gwadosky for a second term as Maine's Secretary of State. I thank you Mr. President.

On a motion by Senator KONTOS of Cumberland, Dan A. Gwadosky of Fairfield was placed in nomination for the Secretary of State of the State of Maine for the political years 1999 & 2000.

The CHAIR: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Chairman, I second that nomination. It is with great pleasure that I second the nomination of my good friend, Dan Gwadosky of Fairfield, for the position of Secretary of State. Dan and I go back a long way. We both were first elected in 1978 in the 109th Maine Legislature. Dan sat in Seat 151 and I sat in Seat 91. Twenty years later, Dan and I are the only remaining members of the legislative class of 1978. Dan was elected assistant floor leader in 1986 and House Majority Leader in 1988 and on February 3, 1994, he became the 92nd Speaker of the Maine House of Representatives. Upon his election as Speaker, as many of us remember, Dan built a sense of civility and respect between members of all political parties.

As Secretary of State, Dan Gwadosky, has lead the Department of State in developing goals to enhance roadway safety, protect, preserve and advance the public interest in regard to state records and the administration of laws that protect our democracy. As House Chair of the Legal and Veterans Affairs Committee, I have seen first hand how Dan Gwadosky is a leader by example.

As has been mentioned, the highlight of the past session of the 118th Legislature was the enactment of the entire package of legislation proposed by the task force of young drivers. It is for that reason and many others that I think that Dan has earned our support and our vote. It is for that reason that I strongly second the nomination of my good friend, Dan Gwadosky, for the position of Secretary of State for the 119th Maine Legislature. Thank you Mr. Chairman.

The CHAIR: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator PARADIS: Mr. Chairman, I also second that nomination. Dan has brought a new energy and verve to the Secretary of State's Office -- a former legislative leader Par Excellence! Dan has brought these traits to the current office. He remains a team player. A trait that is appreciated by the men and the women who staff the Secretary of State's Office. This efficiency is appreciated by our constituents. Several years ago a young man approached me and asked me what we could do to him if he didn't vote. I was absolutely taken aback. Obviously we had absolutely failed this young man. I doubt if we would hear these similar comments today for all the reasons that Senator Kontos illustrated so well. It was absolutely a joy

for me to see children accompanying their parents to the voting places to come out of the polling places sporting their "I voted" stickers. This is just one example of this man's commitment and accomplishments. He is an absolute genius and an absolute creative person. His energy and enthusiasm and savoir faire in strengthening the very base of our democracy, voting, is to be recognized and applauded. Join me in supporting him for another term as Secretary of State. Merci beaucoup toutlemonde.

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

Senator O'GARA: Mr. Chairman, I also second that nomination. Thank you Mr. President and Ladies and Gentlemen of the 119th Legislature. I am pleased and honored to second the nomination of Dan Gwadosky for a second term as Maine's Secretary of State. Dan had already served three terms in this chamber when I first met him in 1984 and he had established himself as a very bright effective legislator who could make a difference in the lives of Maine people. During the 12 years I served with Dan, including his service as Speaker, he did, in truth and in fact, make a difference. He was a lawmaker, a representative, a public servant in every sense of the word. He was an articulate forward thinking advocate for Maine people of all ages, not just in his own district, but throughout the state. He became an effective Majority Leader and then when he took the podium as Speaker of the House, he conducted himself and the business of the house in a very professional manner.

Over the last two years Dan has achieved an impressive number of accomplishments, many of which you have already heard about, but I do want to single out a few, which I think are especially important, especially from my perspective as Senate Chair of the Transportation Committee. He has, as has already been noted, created the Motor Carrier Review Board, which facilitates the review of motor carriers with poor safety records providing them an opportunity to improve their records and avoid suspension. The program also allows his department to remove motor carriers with the worst records from our Maine roads. His department was the prime sponsor of the Maine Transportation Safety Conference and provided key staffing to support the groups ongoing efforts to promote safe transportation.

In my judgment perhaps the most far reaching of all, was his creation of the task force on young drivers, which eventually brought about the most significant changes to Maine's program of educating and licensing Maine youth in over 40 years. The list goes on and on and as I said before, it is quite impressive. Dan Gwadosky has had an eventful and productive two years as our Secretary of State and is, in my judgment, most deserving of a second term. I am pleased to second the nomination of Dan Gwadosky for Secretary of State. Thank you.

Representative TUTTLE of Sanford, Senator PARADIS of Aroostook and Senator O'GARA of Cumberland seconded the motion.

The CHAIR: The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator KIEFFER: Mr. Chairman, I nominate Stephen E. Hall of Guilford for the Office of Secretary of State for the political years 1999 & 2000. I have come to know Steve Hall well as he and I were both elected first to the Maine Senate in the 116th session of the Maine Legislature. We have served together for the past six years and I can tell you very plainly that he is one of the finest people that I have ever known. In addition, due to our like interests, Steve and I have forged a

friendship on the outside of the Maine Senate. He is someone that I have continually looked to for advice and assistance in my leadership position in the Senate. He is someone whose council I value immensely. During his three terms in the Maine Senate, Steve served on several legislative committees. Inland Fisheries and Wildlife is a committee that he served on in each of his three sessions. Having served as Senate Chair during the 117th Legislature. His committee experiences also include service on the Legal and Veterans Affairs Committee. A committee that I might add that oversees elections, campaign financing, voter registration, government ethics and lobbyist registration. Steve's career path has always included service to the people of Maine, whether it be law enforcement, politics or business, he has always worked directly for the people of Maine. In return, the people of Maine has been the beneficiary of Steve Hall's experience, common sense and wisdom. He served the people conscientiously while also making sure that the things that are the most important in his life, his wife and his six children, have also received his love and dedication.

Steve Hall was an outstanding State Senator and I believe he would be a very fine Secretary of State. I ask that you please join me in supporting his candidacy. Thank you.

On motion of Senator KIEFFER of Aroostook the name of Stephen E. Hall of Guilford was placed in nomination for the Secretary of State for the Political years 1999 & 2000.

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

Representative **CROSS**: Mr. Chairman, I second that nomination. It is only fitting probably that I do this, because I have known Steve for 20 years. I have watched him as he advanced into the ranks of the warden service and eventually becoming the lieutenant in charge of the Greenville Division. I have watched him get elected to the Senate after first suffering a resounding defeat, but coming back and then winning. I have seen him stand his ground in the Senate against considerable odds. He has earned not only the respect of me for the things that he has done, but his constituents back home would elect him year after year with no problem. As a Senator, Steve stuck by his guns in spite of pressure being put onto him to change is mind, which he wouldn't. He is a man of integrity, honesty, compassion, dedicated and he is fair to all that he deals with. All of these things I believe will contribute to a fine Secretary of State and I urge you join me in voting for Steve Hall as the next Secretary of State. Thank you.

The CHAIR: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative **LABRECQUE**: Mr. Chairman, I also second that nomination. As you have heard, Steve has served in this Legislature. He has served as a game warden. He as the respect of his constituents of the people that he has met in his various positions and of the business community and the municipal officers. The Office of the Secretary of State touches the lives of every single citizen in this state, whether it is through motor vehicles, elections, state archives, notaries, registration of businesses or the many other services that this office provides. He is well thought of. When his colleagues talk about him, they talk about his straight forwardness and his fairness. He is also kind, considerate, gentle and above all, a gentleman. Those of you who know him personally know of his philosophy of getting totally involved in everything he does. We need these kinds of qualities in our constitutional officers. Given all of this, I believe, as I am sure most of you do, that a candidate for this office must be a proven leader, a fair person and, of course, have a

sense of humor. Steve has all of these things. Please join me in supporting the Honorable Steven E. Hall and elect him as the 42nd Secretary of State. Thank you.

Representative **CROSS** of Dover-Foxcroft and Representative **LABRECQUE** of Gorham seconded that nomination.

Senator **PINGREE** of Knox moved that nominations cease.

The CHAIR: The Chair will appoint a Committee to receive, sort and count votes for the Office of Secretary of State of the State of Maine for the political years 1999 & 2000.

Subsequently, the Chair appointed:

The Sen. from Cumberland, Sen. **KONTOS**

The Rep. from Sanford, Rep. **TUTTLE**

The Sen. from Aroostook, Sen. **PARADIS**

The Sen. from Cumberland, Sen. **O'GARA**

The Sen. from Aroostook, Sen. **KIEFFER**

The Rep. From Dover-Foxcroft, Rep. **CROSS**

The Rep. From Gorham, Rep. **LABRECQUE**

The pending question before the Convention is the election of the Secretary of State for the State of Maine. The nominees are Dan. A. Gwadosky of Fairfield and Stephen E. Hall of Guilford for the Office of Secretary of State.

The Chair will announce the result. 181 votes having been cast, 91 votes being necessary for choice, Dan A. Gwadosky having received a majority of all the votes cast, the Chairman declared Dan A. Gwadosky duly elected Secretary of State of Maine for the political years 1999 & 2000.

The CHAIR: Nominations are now in order for the Office of Treasurer of the State of Maine for the political years 1999 & 2000.

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

Senator **O'GARA**: Mr. Chairman, I nominate Dale McCormick of Hallowell for the Office of Treasurer for the political years 1999 & 2000. Mr. President, Ladies and Gentlemen of the Joint Convention and the 119th Legislature. According to Webster, to change means to replace one thing with another or to give up one thing for something else in return. Having quoted Mr. Webster, I would like you to make a change in your mind before I go any further and I would like you to replace the word something with the word someone. One more thing, please keep in mind how debilitating change for the sake of change can be. Shortly you will be asked to replace a highly respected and very productive treasurer with someone else. When all of the nomination speeches have been made and the voting begins, I hope you will consider very carefully the very real accomplishments of the present Treasurer and whether you have heard any substantive reason why you should vote for someone else. Did you hear criticism of how she has run her department and handled her duties? Were you told how things should and would be done differently? Was any evidence at all given to indicate that she has not fulfilled her responsibilities or was it shown quite clearly that she had, in fact, done one heck of a good job.

A little less than 14 years ago, I met Dale McCormick when I was a first term representative in this wonderful chamber. I was impressed with her forthrightness, her energy and her determination. Dale was later elected to the Senate and I had an opportunity to work with her during her one term on the Education Committee. Like other members of the committee, I was struck by the thoughtful questions she asked and her

attention to detail. Two years ago, Dale honored me by asking me to nominate her as she sought the Office of State Treasurer for the first time. I considered her request to be something very special and spent a lot of time on that nomination speech. That was then and this is now. Dale has made preparing this nominating speech very easy. She has made it easy by her performance over the past two years. She has made it easy by doing what I suggested two years ago she would do, a really good job.

She has made it easy by being innovative, imaginative and aggressive. In fact, she has done so by just plain doing the job she was elected to do. I know most, if not all of you, have had the opportunity to hear or read about what Dale has accomplished during these past two years, but please let me briefly highlight her first term. She began in her own office and through regular staff meetings and in the creation of performance action teams, she has considerably increased the efficiency of the department and she also showed her concern for her staff by installing ergonomic workstations to provide them with a healthy and safe workplace. Just this past year alone, our Moody's credit rating was expanded and upgraded. Maine had the lowest true interest cost in a decade and Maine citizens bought more of our bonds than ever before. Those are all very healthy and positive accomplishments. They were done by our present Treasurer of the State of Maine.

Dale created an investment advisory committee of industry professionals to ensure best practices and maximum return on investment. A very positive decision and certainly in best interest of the citizens of Maine. You have probably seen or will see in the near future an opportunity to read *Maine Interest* the department's newsletter, which was created by Dale McCormick. It is very easy to read and to understand and it contains a lot of information that I assure you that you will find helpful. It was a very innovative idea and it has been very well received. There are other accomplishments that I could have included, such as securing a very important vote for the Treasurer on the Retirement System's Board of Trustees and bringing her department totally up to date as to computer capability. Dale McCormick is trusted and respected by those who deal with her department on a daily basis and those who only occasionally need its services. She has been a hands on actively involved Treasurer who has had an especially successful and productive first term. A term complete with accomplishments and so many accomplishments that she deserves this second term.

Wad Chesterfield wrote that whatever is worth doing at all, is worth doing well. Emerson opined that nothing great was ever achieved without enthusiasm. Dale McCormick accepted a challenge two years ago that she felt was worth doing and she certainly has done it well. She has a solid record of accomplishments that were achieved as a result of her leadership and a level of enthusiasm that has helped her meet that challenge. It is with pride and confidence and a very deep affection that I nominate Dale McCormick for a second term as Maine's State Treasurer. Thank you.

On a motion by Senator O'GARA of Cumberland, Dale McCormick was placed in nomination for the Office of Treasurer for the political years 1999 & 2000.

The CHAIR: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Chairman, I second that nomination. Mr. Chairman, Mr. Speaker, Colleagues of the Joint Convention, I met Dale McCormick just a few years ago when she was a State Senator and I was amazed by the high

energy, enthusiasm, her drive for excellence and her desire to make a difference. She was encouraging and supportive to me during my campaign and I was delighted to learn that she was going to run for State Treasurer. I said to myself, what is this woman going to do? She is the first journey woman/carpenter in the United States of America and she is going to head in there with her carpentry tools into the Office of Treasurer. As Senator O'Gara has so eloquently outlined, she made a huge difference there, including things like a newsletter that many of us have used as a template for our own campaigns and to send information out to our constituents. She has lowered the bond rating for the first time in 16 years. Our general interest rate may be the very lowest it has ever, ever been. When I think to myself, what will she do in a second term? I can only look forward to that with anticipation and great appreciation for the effort she has made in fiscal responsibility as our State Treasurer. Thank you very much.

The CHAIR: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative **O'NEAL**: Mr. Chairman, I also second that nomination. Thank you Mr. Chairman, Ladies and Gentlemen of this Convention. It is my honor to second the nomination of Dale McCormick for State Treasurer. Two previous speakers have given you a broad perspective of Dale McCormick. I would like to share with you a few brief thoughts. Two years ago we asked her to accomplish a large task. Dale did it. Within that task were large shoes to fill. Dale did it. Our credit rating has gone up from Moody's. We have the lowest true interest cost in a decade, but the fact that the largest number of bonds ever sold to Maine citizens, over 21 million, that impresses me. Dale did it.

Dale is dedicated to the State of Maine and will continue this outstanding service. I am pleased to second the nomination of Dale McCormick for the Treasurer of the State of Maine.

Representative **PIEH** of Bremen and Representative **O'NEAL** of Limestone seconded the motion.

The CHAIR: The Chair recognizes the Representative from Union, Representative Savage.

Representative **SAVAGE**: Mr. Chairman, I nominate Robert J. Winglass of Auburn for the Office of Treasurer for the political years 1999 & 2000. Thank you Mr. Chairman, Ladies and Gentlemen of the Joint Convention. Once every two years we are charged with electing the State Treasurer. It is a responsibility that we, as Representatives, of all Maine citizens discharge on their behalf. As such, it is our duty to choose the candidate best qualified for this esteemed position. Imagine if all Maine citizens could hear, as we are hearing, each speaker telling about the qualifications for this important constitutional office. Who would our constituents choose? I am honored to nominate for Treasurer of the State of Maine, Robert J. Winglass of Auburn. Robert Winglass, as veteran legislators know, is a former two-term member of the Maine House of Representatives with an impressive legislative track record. During his first term, seven of his eight bills were passed by the Legislature and signed into law by the Governor. In the 118th Legislature, Bob Winglass successfully sponsored a peer mediation bill, a child care insurance incentive bill and a bill to help the struggling Maine Veterans Home.

Robert Winglass has many, many friends on both sides of the aisle and among Independents. That is a characteristic held in high esteem by all Maine citizens. A characteristic well suited to the Office of Maine Treasurer. Let me share with you, especially our first-term colleagues some of Robert Winglass's

background. Bob Winglass's parents must have been remarkable people. Joseph Winglass a poultry salesman and his wife Katherine, stamper in a shoe factory raised a son Robert, who is a honor graduate of Springfield College, has a masters degree from George Washington University, is an honors graduate of the National Defense University and a graduate of the Naval War College. Robert Winglass also studied at the Naval Post Graduate School in California and the Kennedy School of Harvard University. Robert Winglass has a highly distinguished career in the United States Marine Corp. He is a retired lieutenant general who led units ranging in size from 17 to nearly 10,000 men and women. Robert Winglass served two tours in Vietnam and had major logistic support responsibilities during Operation Desert Storm.

We can all agree, can't we, that Bob Winglass's military career is perfectly suited for his dealings as Maine Treasurer with Wall Street Bankers. You may correctly ask what has been his experience with large budgets? Robert Winglass has been the principle staff official for the Marine Corp. in the business areas of procurement, contracting, facilities infrastructure management and inventory control. As the senior financial strategist for the entire United States Marine Corp. Lieutenant General Winglass managed a, listen to this one, \$9.5 billion budget. That amount, without having even seen the proposed state budget for the next two years, is well over twice the amount overseen by the Maine State Treasurer. I am proud to nominate Robert J. Winglass as our next Treasurer of the State and urge you to join me in supporting this nomination. Thank you.

On motion by Representative SAVAGE of Union the name of Robert J. Winglass of Auburn for the Office of Treasurer for the political years 1999 & 2000.

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

Senator MILLS: Mr. Chairman, I second that nomination of Robert J. Winglass as State Treasurer. I was asked in the parking lot by the incumbent whether I would be saying anything against the current administration. My comment has to be that my biggest quarrel is the fact that the opposing party has somehow figured out how to borrow money without using her services. At least that is the lesson we learned from last March. I think Robert Winglass brings an extraordinary set of qualifications to this position. I have to say with only one reservation, those of us who served in the Navy were constantly telling stories about those who served in the Marine Corp. With due apologies to Senator Benoit from Franklin and others of you who may have served in the Marine Corp., there is a little story we used to tell about service members who served on the naval station in Guantanamo Bay in Cuba when they used to announce the time and they would come up on the announcing system and say, for you sailors, the time is 1400 hours and for you civilian workers, it is 2:00 in the afternoon, for you Marine Corp. people, the little hand is on the two and the big hand is on the twelve.

I have to speak with some reservation because General Winglass actually made it to the fourth highest ranking Marine Corp. officers. I assume he learned how to tell Navy time at some point along the way. In addition, it appears from his resume' that he learned how to balance budgets, to administer budgets that involved as much as \$9.5 billion, well more than our annual budget. He was a financial strategist for the Marine Corp. He is a graduate of the Kennedy School at Harvard University or took systems training at that university. He worked

with me very closely on an interesting bill that we passed in a bipartisan way last year to create a child care insurance incentive in our tax code with the help of Senator Longley and Representative J. Elizabeth Mitchell. I have enjoyed working with him. He is congenial. He is not stuffy despite the fact that he is a general or a retired General. As you all know, for having worked with him for four years, he is a delightful person. I think he would do very well smoozing with those bond salesmen down in New York and would lower our credit rating even further than it has been lowered by virtue of our present economy.

It is with great pleasure and great honor that I second his nomination and commend his resume' to your attention. Thank you.

The CHAIR: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative BELANGER: Mr. President Men and Women of the Joint Convention, I also rise to second the nomination of Robert J. Winglass as Treasurer of State. Our colleagues Representative Savage and Senator Mills just addressed many reasons why Bob Winglass is eminently qualified to serve as State Treasurer with his extensive educational background, his history of service to his country and to the State of Maine and his hands on experience with multi-billion dollar budgets. I would like to add a few observations as one of Bob's seatmates in the 118th. First, Bob Winglass is respected by both sides of the aisle and can work with legislators from all parts of the State of Maine. More importantly, he is a man of the greatest integrity. He is professional and he is direct. Bob Winglass also has the competence and intellectual capacity to carry out the functions of this most important position. With his long list of educational degrees, awards and qualifications, he remains among the most unpretentious of people that I know. This quality is a tremendous asset for someone who will be negotiating with many different individuals and organizations.

I can also tell you that Bob spent a good deal of time scrutinizing the last state budget and had a thorough understanding of the entire budget. I know that he will apply that same dedication and energy in the State Treasurer's Office. For these reasons, I also am pleased to second the nomination of Bob Winglass and I thank you for your consideration.

The CHAIR: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Thank you Mr. Chairman and Men and Women of the House. I also second that nomination and would like to speak to my motion. It is a tremendous honor to stand before you today to endorse Bob Winglass to become our next State Treasurer. We all would be very proud and fortunate to have a man of Bob Winglass's caliber to serve as our State Treasurer. Bob's qualifications are beyond reproach. His achievements speak volumes about his character, commitment, passion and dependability. Bob Winglass does not assume responsibilities, he attacks them. Bob is a decorated leader who would fulfill the responsibilities of State Treasurer in the same fair, energetic and professional manner. He has long demonstrated in his distinguished service to our state and our union. The State of Maine could depend on Bob Winglass to respect the duties of the State Treasurer. We could all sleep easy knowing such an honorable trustworthy man was handling our money. I sincerely hope you will all join me in supporting Bob Winglass. He is the right choice for Maine. Thank you.

Senator MILLS of Somerset, Representative BELANGER of Caribou and SNOWE-MELLO of Poland seconded that nomination.

Senator PINGREE of Knox moved the nominations cease.

The CHAIR: The Chair will appoint a Committee to receive, sort and count votes for the Office of Treasurer of the State of Maine for the political years 1999 & 2000.

Subsequently, the Chair appointed:

The Sen. from Cumberland, Sen. O'GARA

The Rep. from Bremen, Rep. PIEH

The Rep. from Limestone, Rep. O'NEAL

The Rep. from Union, Rep. SAVAGE

The Sen. From Somerset, Sen. MILLS

The Rep. from Caribou, Rep. BELANGER

The pending question before the Convention is the election of the Treasurer of the State of Maine. The nominees are Dale McCormick of Hallowell and Robert J. Winglass of Auburn for the Office of the Treasurer of State.

The Chair will announce the result. 179 votes having been cast, 90 votes being necessary for choice, Dale McCormick having received a majority of all the votes cast, the Chairman declared Dale McCormick duly elected Treasurer of the State of Maine for the political years 1999 & 2000.

Nominations are now in order for the Office of Attorney General of the State of Maine for the political years 1999 & 2000.

The CHAIR: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative **DAVIDSON**: Mr. Chairman, I nominate Andrew Ketterer of Madison for the Office of Attorney General for the political year of 1999 & 2000. This is one election which should not be grounded in party politics largely because this is such an important decision for all the people of Maine. Based on his performance during the past four years, Drew Ketterer should earn the support of every member of the 119th Legislature, whether a Democrat, Republican, or Independent.

While many of you already know the incredible experiences and expertise Drew brings to the office of Attorney General, his life story is an incredible inspiration to all of us, and deserves to be retold.

I first met Drew shortly after my first election and was very curious as to why he had become an attorney. He explained to me how his mother had died when he was five years old. If that wasn't bad enough, Drew was left an orphan eight years later at the age of 13, when his father died of a heart attack. His father literally died in his arms, while Drew waited for an ambulance which never came because the dispatcher thought the telephone call was a prank. His sister Barbara took in Drew and his older brother Ricky. During the subsequent proceedings in Probate Court, Drew saw how the law could, at times, be unfair and push people around. Drew decided then and there that he wanted to be a lawyer so that he could stand up for others rights, and not be intimidated.

After spending two years at Fairfield University playing football, Drew transferred to what was then called Connecticut College for Women, becoming the first male graduate of the College. Growing up in a household of women, I know what that does to you and my sisters are here today, Mr. Chairman so I probably won't get any attention later. Attending Connecticut College on a full scholarship, Drew graduated with honors and was ranked sixth in his class of 316.

In 1974, Drew graduated from Northeastern University School of Law, and immediately became a staff attorney for Boston's Roxbury Defenders, eventually becoming Chief of the District Court Trial Division. While in Boston, Drew also taught at Suffolk University Law School.

In 1979 he relocated to Maine, founding the firm of Ketterer & Alsop. In 1990, Drew was elected to the first of his two terms in the Maine House, and in 1994 was elected Attorney General. He is a Charter Fellow of the Maine Bar Foundation, a past President of the New England Bar Association, and served for six years on the Board of Governors of the Maine State Bar Association. He successfully completed the Boston Marathon in 1996, 1997 and 1998, and thus in my mind has a little bit of the craziness required for this job. In 1996 he received the President's Medal from Connecticut College for outstanding community service.

As Attorney General, Drew became the first Attorney General in over 50 years, I think this is amazing, to personally prosecute a homicide case. He also personally prosecuted perpetrators of a driveway paving scam who were taking advantage of elderly victims in his hometown of Madison. As Attorney General, Drew is always sending the message that Maine's chief legal officer will not allow perpetrators of crime to go unpunished.

Drew has become the first Maine Attorney General ever to be an officer in the National Association of Attorneys General, and is currently serving as Vice President. Drew was determined that even though Maine may not be as populated as states such as New York or California, Maine views needed to be represented within the Association. As Attorney General.

As Attorney General, Drew has followed through on the promises he has made in the past. He has said countless times, "I will bring compassion to the Department of Attorney General." His work in civil rights, on behalf of victims of crimes against women and children, and on behalf of our elderly who are too often the victims of scams, has indeed brought compassion to the Department.

With Drew's record of accomplishment, I know that he has earned every vote in this Legislature. You may not agree with him on every issue, but I urge every member of this great institution to ask themselves one question, if Drew were a member of my party, would his job performance and record of accomplishment be one I could take pride in? I am confident that the answer would be an overwhelming "Yes."

I urge all of you to support Drew Ketterer, my friend, whom I am proud to nominate for another term as Maine's Attorney General.

On a motion by Representative DAVIDSON of Brunswick, Andrew Ketterer of Madison was placed in nomination for the Office of Attorney General for the political years 1999 & 2000.

The CHAIR: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Chairman, I second that nomination. Thank you Mr. Chairman, Mr. Speaker, Men and Women of the Joint Convention. I would be remiss if I did not stand to speak on behalf of my constituent Andrew Ketterer for the nomination of Attorney General for the State of Maine. We are very proud in Madison to have Andrew Ketterer and his family living in our community on the shore of Lake Wesserunett. Sometimes back home Andrew was known as Suzanne's husband when she is conducting one of her various projects for some of the worthy things that she works for in the

community or he is known as Andrew's dad when he speaks at Madison High School, which he does quite frequently.

You have heard of the many accomplishments of the Attorney General. I do not need to repeat those, but I do think that there are two that are important. Number one, when he served in this body, he sat at this desk, number 149. I am proud of that. Secondly, I hope that you did hear what the previous speaker said when he said that our Attorney General from the State of Maine is the Vice President of the National Association of Attorneys General. Since that group was organized in 1907, this is the first Attorney General from Maine who has held an office in that organization. He could be president. It is with pride and pleasure that I second the nomination of Andrew Ketterer for Attorney General for our grand State of Maine.

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

Senator **GOLDTHWAIT**: Thank you Mr. Chairman, I also second the nomination. According to the Maine State Annual Report the Attorney General is the chief legal officer for the state. The department is authorized to appear in all civil actions and proceedings in which the state is a party, control and direct the investigation and prosecution of homicides and other major crimes including frauds against the state and render all legal services required by state officers, boards and commissions in matters relating to their official duties. Any capable attorney with the sound knowledge of Maine law could do this job. Of course, the Attorney General is also the chief executive of an office consisting of eight divisions some 150 employees and a \$15 million budget. Any capable attorney with the sound knowledge of Maine law and strong management skills could do this job. The Attorney General's Office must issue written opinions on questions of law pursuant to statute. Many of those written opinions are in response to questions submitted by members of the Legislature. Although we are asking for an opinion, we already know exactly what we hope that opinion will be. Any capable attorney with the sound knowledge of Maine law, strong management skills and a doctorate in diplomacy could do this job. A thick skin, a good sense of humor and a lot of patience wouldn't hurt either.

In his service to our state, Attorney General Andrew Ketterer has proven to have all of these abilities. Drew brings something more to the position. He brings a passion for the rights of the minority. He focuses diligent attention on the groups at the margins, people behind the societal eight ball. He respects and promotes the rights of women. He extends the protection of his office to abused and neglected children. He is mindful of those who can least help themselves. It is the hallmark of his tenure in office. Drew Ketterer is a capable attorney with the sound knowledge of Maine law. He has good management skills and political savvy. His clear commitment to civil rights and basic human freedoms give dignity and strength to our state. Please join me in voting for Drew Ketterer for Maine's Attorney General.

Representative **RICHARD** of Madison and Senator **GOLDTHWAIT** of Hancock seconded that nomination.

The CHAIR: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: I nominate Sumner H. Lipman of Augusta for the Office of Attorney General for the political years 1999 & 2000. Mr. Chairman and Esteemed Colleagues of this chamber. I rise today to place the name of Sumner Lipman for nomination for Attorney General of the State of Maine. Before I begin, however, I feel compelled to recognize the efforts of our

current Attorney General for his exemplary work in the areas of domestic abuse, sexual abuse, child abuse and victims rights. On a personal level I very much appreciate his passion and I thank him for that.

However, back to the job at hand. Sumner Lipman has been a long time friend of mine and he is a constituent. Before redistricting occurred, my current district was mostly his district. As many of you know, he served two terms in this chamber. It was because of Sumner's council, advice and encouragement, in large part, that I am here today. Good move or bad move, you can make up your own mind about that. Sumner has a superior business mind. Among many of his ventures, he has founded two local commercial banks. He and his family have deep roots in Maine, politically and civically. As a matter of fact, his nephew, Danny, was my first campaign manager and he wasn't even old enough to vote at the time.

As far as Sumner's legal expertise goes, just the name Sumner Lipman strikes fear in the hearts of plaintiffs and defendants throughout the state. He is highly esteemed in the legal system throughout the great State of Maine. Sumner Lipman, in my view, would make an excellent Attorney General and I am very pleased and proud to offer his name up for nomination.

On a motion by Representative O'BRIEN of Augusta, Sumner H. Lipman of Augusta was placed in nomination for the Attorney General of the State of Maine for the political years 1999 & 2000.

The CHAIR: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Thank you Mr. Chairman. I rise to second that nomination. I have known Sumner Lipman for more than 10 years and my wife attended high school with Sumner here at Cony. Upon graduation from Cony High, he also graduated from Boston University School of Management and is a 1966 graduate of Boston University School of Law. In addition to his involvement in founding two banks, he was brought up in the chicken business and has been active in the fishing industry, is a real estate developer and an office building owner. He is recognized trial lawyer, not only in the State of Maine, but nationally, and has lectured in the State of Maine and nationally on a number of topics. As was stated previously, he has served in this body and he was a candidate for Governor in 1994. It is with a great deal of pleasure and an honor that I second the nomination of Sumner H. Lipman for Attorney General.

The CHAIR: The Chair recognizes the Senator from York, Senator Libby.

Senator **LIBBY**: Mr. Chairman I would also like to second the nomination and I wish to speak to my motion. Mr. Chairman, members of the Joint Convention, Sumner and I served together in the 116th Legislature and I must say that I was looking out over this Legislature a few minutes ago with a colleague and I had to note just how many people have left that chamber since that time. I was surprised to take note of it. I have to tell you that if you did not serve with Sumner Lipman just what an effective legislator this man was. Sumner Lipman's career, distinguished career, in the legal profession was followed by a distinguished career in the Legislature. It really was a thing of beauty. He stood up for his constituents. He worked hard to further the beliefs of the State of Maine. He was a nonpartisan professional. He had so many accomplishments to draw upon, so many experiences. I am going to name just a few.

As you know, he is practicing with Lipman and Katz right here in Augusta. He was from Augusta, a graduate of Cony High School. A graduate of Boston University School of Management and a graduate of Boston University School of Law. He founded two commercial banks, Dirigo Bank and Trust and Cusnock Bank. Most of you that have been around for a while know that his family and he probably received his name in the chicken business. He has been affiliated with the Board of Governor's of the American Trial Lawyers Association, past president of the Maine Trial Lawyer's Association and the *Maine Times* noted Sumner Lipman as one of the best lawyers in the State of Maine.

Sumner Lipman is an honorable man. He would serve us well. I mean no disrespect to the person who is in the office now. In fact, I have a great admiration for that person, but I must say that Sumner Lipman would be one tremendous Attorney General and I urge you to vote with me. Thank you.

Representative MAYO of Bath and Senator LIBBY of York seconded that nomination.

Senator PINGREE of Knox moved that nominations cease.

The CHAIR: The Chair will appoint a Committee to receive, sort and count votes for the Office of Attorney General of the State of Maine for the political years 1999 & 2000.

Subsequently, the Chair appointed:

The Rep. from Brunswick, Rep. DAVIDSON

The Rep. from Madison, Rep. RICHARD

The Sen. from Hancock, Sen. GOLDTHWAIT

The Rep. from Augusta, Rep. O'BRIEN

The Rep. from Bath, Rep. MAYO

The Sen. from York, Sen. LIBBY

The pending question before the Convention is the election of the Attorney General for the State of Maine. The nominees are Andrew Ketterer of Madison and Sumner H. Lipman of Augusta for the Office of Attorney General.

The Chair will announce the result. 176 votes having been cast, 89 votes being necessary for choice, Andrew Ketterer having received a majority of all the votes cast, the Chairman declared Andrew Ketterer duly elected Attorney General for the political years 1999 & 2000.

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

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

The purpose for which the Convention was assembled, having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its chamber.

(After the joint Convention)

The House was called to order by the Speaker.

On motion of SAXL of Portland, the House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

On motion of Representative SAXL of Portland, the following House Order: (H.O. 5)

Ordered, that the House Rules of the 118th Maine House of Representatives shall be the House Rules of the 119th Maine House of Representatives except as follows:

That House Rule 301, shall be amended by the addition of a new Section 14 to read:

14. Payroll of House Employees. Certify vouchers of the officers and employees of the House for proper payment,

That House Rule 401, subsection 12, be amended to read:

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

That House Rule 501 be amended to read:

Rule 501. Order of business. After reading of the journal, the following is the order of business:

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

2nd. Messages and documents from the Senate, the executive ~~and~~ heads of departments and others;

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

4th. Orders;

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

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

7th. Consent calendar - First Day;

8th. Consent calendar - Second Day;

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

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

11th. Orders of the day.

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

That House Rule 511 be amended to read:

Rule 511. Motion to reconsider. When a motion has been made and carried in the affirmative or negative, it is in order for any member who voted with the prevailing side, or in the negative on a tie vote, to move to reconsider on the same or succeeding day. A motion to reconsider may not be tabled unassigned. A motion to reconsider is not in order more than

once on the same question. When a member moves or gives notice of the member's intention to move a reconsideration of any vote, the papers to which the motion relates must remain in possession of the Clerk until the question of reconsideration has been decided, or the right to move such a question is lost. Notwithstanding the provisions of this rule, any member may move for reconsideration of a committee reference on the floor. A majority vote is necessary to overturn the original committee of reference.

READ.

Representative SAXL of Portland **REQUESTED** a roll call on **PASSAGE.**

The **SPEAKER:** The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY:** Mr. Speaker, Men and Women of the House. I would like to thank the Majority Leader for making that roll call request for us. Thank you very much.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 1

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lovett, MacDougall, Madore, Mailhot, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Perry, Pih, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Buck, Duncan, Glynn, Jodrey, Joy, Kasprzak, Lindahl, Mack, Marvin, Nass, Snowe-Mello, Stedman, Waterhouse.

ABSENT - Andrews, Brooks, Chick, Gamache, Lemont, Martin, McKenney, Samson.

Yes, 130; No, 13; Absent, 8; Excused, 0.

130 having voted in the affirmative and 13 voted in the negative, with 8 being absent, the House Order was **PASSED. ORDERED SENT FORTHWITH.**

ORDERS

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

On motion of Representative ROWE of Portland, the following Joint Order: (H.P. 5)

ORDERED, the Senate concurring, that the Joint Select Committee on Research and Development is established as follows.

1. Establishment. The Joint Select Committee on Research and Development, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 3 members from the Senate appointed by the President of the Senate and 10 members from the House of Representatives appointed by the Speaker of the House. The first Senate member named is the Senate chair and the first House member named is the House chair.

3. Responsibilities. The responsibilities of the committee include the following:

A. To review legislation referred to it by the Legislature and, with the approval of the President of the Senate and the Speaker of the House, to report out legislation relating to research and development;

B. To conduct oversight and review of the State's research and development policies and to make recommendations to the Legislature on appropriate actions to promote research and development in the State, including appropriate funding levels; and

C. To perform other tasks assigned to it including conducting studies on assigned topics and issuing reports to the Legislature on policy issues related to research and development.

READ and PASSED.

Sent up for concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

The following Joint Order: (S.P. 10)

ORDERED, the House concurring, that the Revisor of Statutes shall deliver by March 1, 1999, to the Clerk of the House or Secretary of the Senate all bills or resolves filed prior to the cloture date. Said bills or resolves shall be fully drafted as of that date. The Revisor of Statutes is authorized to hire such temporary staff as necessary to carry out this order.

Came from the Senate, **READ and PASSED.**

READ and PASSED in concurrence.

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

ORDERED, the House concurring, that there be paid to the members of the Senate and the House of Representatives as advances on account of compensation established by statute, 11 payments on a biweekly basis commencing January 6, 1999, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

Came from the Senate, **READ and PASSED.**

READ and PASSED in concurrence.

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

ORDERED, the House concurring, that the Executive Director of the Legislative Council be authorized and directed to prepare weekly, from expense accounts to be submitted to her by the members of the Senate and House, expense rosters showing the entitlement of each member for meals allowance and lodging reimbursement and to obtain approval thereof by the President of the Senate and the Speaker of the House, respectively, and deliver the same to the State Controller for processing and payment, in the manner and form recommended by the Joint Interim Committee of the 101st Legislature created to study and report on a method of implementing the

administration of the provision of law relating to the mileage and expenses for members of the Legislature; and be it further

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

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

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

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

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

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

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

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 the Clerk of the House.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

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

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

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

The following Joint Order: (S.P. 9)

ORDERED, the House concurring, the Joint Rules of the 119th Legislature are as follows:

JOINT RULES - 119TH LEGISLATURE

Part 1

General Provisions

Rule 101. Scope.

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

Rule 102. Amendment of Rules.

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

Rule 103. Suspension of Rules.

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

Rule 104. Conflict of Interest.

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

Rule 105. Salary and Benefits of Legislative Employees is Public Information.

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

Rule 106. Records of Certain Legislator Expenses.

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

Rule 107. Notice of Legislative Council Meetings.

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

Part 2

Legislation

Rule 201. Prefiling.

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

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

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

Rule 203. Cloture for Legislators at the Second Regular Session.

The Legislative Council shall set a cloture date and establish procedures for submission of legislation by Legislators to the Revisor of Statutes at a second regular session. Procedures established for each second regular session must ensure compliance with the requirements of the Constitution of Maine, Article IV, Part Third, Section 1.

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule must be taken by the yeas and

nays, and that vote must be recorded and made available for public inspection.

Rule 203-A. Cloture for Governor's Bills and Resolves.

All requests for bills and resolves submitted by the Governor must be submitted to the Revisor of Statutes by 4:00 p.m. on the Friday following the first Monday in January, except that if the convening of a first regular session coincides with the beginning of a newly elected Governor's first term, all Governor's requests for bills and resolves must be submitted by 4:00 p.m. on the Friday following the first Monday in February.

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

1. Deadlines for Requests. All requests for bills and resolves submitted by a state department, agency or commission must be submitted to the Revisor of Statutes by 4:00 p.m. on the first Wednesday in December.

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

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

Rule 205. Filing after Cloture.

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

Rule 206. Sponsorship.

1. Number; Governor's Bills. A bill, resolve, order, resolution or memorial may have up to 10 sponsors: one primary sponsor, one lead cosponsor from the other chamber and 8 cosponsors from either chamber. Each bill or resolve requested by the Governor or a department, agency or commission must indicate the requestor below the title.

2. Duplicate Requests; Chamber of Origin. For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors must originate in the chamber of the primary sponsor.

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

Rule 207. Disclosure of Titles of Bills and Resolves.

1. Legislator and Department Bills. The names of sponsors and the titles of requests for bills and resolves submitted by legislators or by departments, agencies or commissions become public information on the cloture date, and a list of titles and sponsors must be published as soon as practicable after cloture. The names of sponsors and the titles of requests for bills and resolves submitted after cloture are

public information when transmitted to the Legislative Council pursuant to Joint Rule 205. The names of sponsors and the titles of requests for bills and resolves submitted for a special session are public information when transmitted to the Legislative Council.

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

Rule 208. Requirements for Drafting.

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

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation. Notwithstanding the Maine Revised Statutes, Title 1, section 402, members of legislative leadership and committee chairs have access to the contents of a file for a bill or resolve that is prepared in concept form. This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft.

Rule 209. Bill Titles and Summaries.

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

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

Rule 210. Form.

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

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

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

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

Rule 212. Errors.

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

Rule 213. Expressions of Legislative Sentiment.

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

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

Rule 214. Memorials.

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

Rule 215. Actions Relating to the United States Constitution.

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

1. Calling of United States Constitutional Convention.

An item requesting the calling of a United States Constitutional Convention requires a 2/3 vote of the members present in each chamber;

2. Ratification of Amendment.

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

3. Any Other Action.

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

Rule 216. Claims against the State.

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

Rule 217. Measures Rejected at a Prior Session.

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

Rule 218. Legislation Filed Pursuant to Law or Resolve.

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

chamber of the sponsor or the chamber of origin of the authorizing law or resolve.

Part 3

Legislative Committees

Subpart A

Joint Standing Committees

Rule 301. Joint Standing Committee Responsibilities and Jurisdiction.

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

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

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

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

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

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

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

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

Rule 302. Membership.

Each of the joint standing committees consists of 13 members, 3 from the Senate and 10 from the House of Representatives. The first Senate member named is the Senate chair. The first House member named is the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise,

the chair shall alternate between the members from each chamber in the sequence of their appointment to the committee. The sequence of appointment for the biennium is as announced by the presiding officers in each chamber. Every member of the Senate and the House of Representatives is entitled to at least one initial committee assignment.

Rule 303. Committee Clerks.

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

Rule 304. Procedures for Public Hearings and Work Sessions.

At the beginning of each legislative biennium, all committees shall adopt procedures that govern public hearings, work sessions and confirmation hearings. Copies of the procedures must be sent to the presiding officers, the Secretary of the Senate, the Clerk of the House and the Executive Director of the Legislative Council upon adoption and must be posted and made available upon request at all public hearings and work sessions.

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

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

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

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

Rule 305. Scheduling Public Hearings and Work Sessions.

At the beginning of the 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 outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day on the board provided for that purpose on the third floor of the State House. A

committee may not hold a hearing or conduct a work session for which notice has not been posted.

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

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

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

Rule 306. Quorum.

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

Rule 307. Testimony.

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

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

Rule 308. Reference of Bills to Committee.

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

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

Each suggested reference appearing upon the Advance Journal and Calendar of each chamber must contain a recommendation for the printing of the document being referred and may contain a recommendation on the number of copies of that document to be printed.

Any member may move for reconsideration of a committee reference on the floor. Notwithstanding Joint Rule 103, a majority vote is necessary to overturn the original committee of reference.

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

3. Reference to More Than One Committee. When a bill or resolve has a subject matter that falls within the jurisdiction of more than one committee, suggested references may be made and the full Legislature may vote to refer a bill or resolve to more than one committee. When references are made to more than one committee, the first named committee is responsible for the scheduling and conduct of all public hearings, subject to approval of the chairs of the other committee or committees. Committees to whom a bill or resolve is referred pursuant to this rule shall participate equally in all public hearings and work sessions and shall make a joint report or joint reports. The public hearing or hearings must be conducted jointly by both committees. The chairs of the committees involved shall establish the process for conduct of the work session or work sessions on the bill. If the chairs are unable to agree, the presiding officers shall establish the process. The work session process must provide for balanced representation for each committee. The report or reports on a jointly referred bill is as voted by the full membership of each committee, except that if a member serves on more than one committee to whom a bill or resolve is referred, that member may cast only one vote.

Rule 309. Notice to Report.

The President of the Senate and the Speaker of the House shall jointly establish reporting deadlines for all bills and resolves referred to committee and each committee shall, after receiving notice of the reporting deadlines, report its bills and resolves out of committee to the floor for consideration in accordance with those deadlines.

Rule 310. Reports of Bills from Committee.

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

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

- Ought to Pass
- Ought to Pass as Amended
- Ought to Pass in New Draft
- Ought Not to Pass
- Refer to Another Committee

The committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. When the committee recommendation is not unanimous, a minority report or reports are required. Except as provided in subsection 5, minority committee reports must be voted on at the same work session as the majority report on that bill. Notwithstanding subsection 5, a committee vote to report a bill out favorably must be taken based on written language before the committee at that time or on a motion describing the content of the report. After a committee vote, no substantive change may be made in the committee report unless motions to reconsider and to amend the report are approved at a committee work session. All reports on any legislative document must be submitted to the Legislature at the same time.

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

4. Ought to Pass in New Draft Report. When the changes voted by the committee are major, the committee may elect to report the bill out "Ought to Pass in New Draft," with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. New drafts printed pursuant to these rules must include the legislative document number that the new bill replaces and the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies that must be printed of each new draft.

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

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

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

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

Except for a motion to adjourn, a question may not be decided and official action may not be taken in the absence of a quorum. No committee vote on a bill may be taken after 10:30 p.m. or before 7:30 a.m. unless authorized by the presiding officers.

Rule 311. Errors and Inconsistencies Legislation.

Prior to reporting out any omnibus bill concerning errors and inconsistencies in the Laws of Maine, the Joint Standing Committee on Judiciary shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which amendments should be included in the bill reported out. A floor amendment may not be entertained in either chamber unless the amendment is printed and distributed at least 24 hours prior to introduction.

Rule 312. Fiscal Notes.

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

Rule 313. Confidentiality.

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

Before the committee files leave the custody of the committee, the committee chairs shall direct the custodian of the files to protect the confidentiality of the records in any

appropriate manner, including returning the records to the person or department from which they came; destroying the records; or blocking out personally identifying information in the records and retaining them in the files, if the law declaring the records confidential permits disclosure in this manner.

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

Rule 314. Participation in Budget Hearings and Work Sessions.

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

In each year of the biennium, any budget bill submitted to the Legislature by the Governor and referred to the Joint Standing Committee on Appropriations and Financial Affairs is subject to the following procedures.

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

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

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

4. Policy Committee Recommendations. Each policy committee shall provide the Joint Standing Committee on Appropriations and Financial Affairs with the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be delivered within a time period set by the chairs of the Joint Standing Committee on Appropriations and Financial Affairs after consultation with the chairs of the policy committee taking into consideration previously scheduled public hearings of the policy committee. The chairs of the Joint Standing Committee on Appropriations and Financial Affairs shall notify the presiding officers of the dates established for reporting policy committees'

recommendations. The recommendations must be made within the budgetary constraints set by the Joint Standing Committee on Appropriations and Financial Affairs.

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

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

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

Rule 315. Interim Committee Activities.

The chairs of a joint standing committee may request and upon finding of need the President of the Senate and the Speaker of the House are authorized to jointly grant permission to a committee to meet out of session to conduct work of the committee, including review of agencies' effectiveness under the Government Evaluation Act, review of major substantive rules and agency regulatory agendas under the Administrative Procedure Act and review of agency strategic planning and performance budgeting submissions under Title 5, chapter 151-C.

Subpart B

Special Legislative Committees

Rule 351. Joint Select Committees.

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

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

Rule 352. Committees of Conference.

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

Rule 353. Legislative Study Committees.

To assist it in the exercise of its duties, the Legislature may establish joint select committees or commissions consisting of legislators and others members to conduct studies. Alternatively it may refer matters to joint standing committees or subcommittees of joint standing committees for study. The procedure for such legislative studies is as follows.

1. Establishing study committees and commissions.

Legislative study committees may be established by joint order, law or resolve. Studies that must be established by law or resolve include those that will:

- A. be conducted by a task force, blue ribbon commission or other study group created by the Legislature that includes substantial membership by non-legislators; or
- B. extend beyond the current legislative biennium.

Proposed study orders may be referred to joint standing committees for consideration and reported out in the same manner as proposed study legislation. Joint standing committees may report out study orders requesting that a study be conducted.

2. Appointment of members. Unless otherwise specified, the members of study committees established by joint order must be appointed by the presiding officers: Senate members by the President; and House members by the Speaker. Membership may include non-legislators but a majority of the members on study committees must be legislators.

3. Appointment of chairs. Study committees established by joint order must be chaired jointly except for study committees having 5 or less members. Each presiding officer shall appoint a chair at the time of initial appointment of study committee members except the chair of a study commission having 5 or less members must be appointed by the presiding officer of the body of the originating study order or legislation.

4. Committee size. Study committees may consist of not less than 3 and not more than 13 members, unless legislation creating a study committee specifies a greater number.

5. Compensation. Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.

6. Reporting dates. All reports of study committees which are to be submitted to the first regular session of the next or subsequent legislature must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of study committees which are to be submitted to the second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Any proposed legislation accompanying such reports must be submitted in final draft form to the Revisor of Statutes by the reporting date.

7. Extension of reporting dates. Any study committee that finds it is unable to comply with its reporting date must submit, in writing, a request for extension of reporting date, the reasons an extension is requested and a proposed new reporting date to the Legislative Council prior to the reporting date. The Legislative Council shall review the request and promptly notify the committee of its decision.

8. Study table. All joint orders or legislation proposing legislative studies regardless of funding source must be placed on a special study table in the House or Senate. The Legislative Council shall review the proposed studies and establish priorities for allocation of budgetary and staffing resources.

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. It also shall establish budgets and

provide sufficient money from the Legislative Account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.

The Legislative Council shall adopt guidelines for the drafting of study orders and legislation at the beginning of each legislative biennium. Study orders and legislation must be consistent with the adopted guidelines.

Part 4

Floor Action on Legislation

Rule 401. Printing of Bills.

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

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

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

Rule 402. Consideration of Bills.

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

Rule 403. Amendment of Bills.

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

Rule 404. Rejection of Bills.

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

Rule 405. Engrossing of Bills.

Notwithstanding Senate Rule 23 and House Rule 48, the President of the Senate or the Speaker of the House may order any bill or resolve to be engrossed upon its introduction to either the Senate or the House. Any bill or resolve engrossed pursuant to this Rule must be committed to the Committee on Engrossed Bills, whose duties are to examine the engrossed bills and resolves and to see that the engrossed bills and resolves have been truly engrossed. Before any bill is passed to be enacted, or any resolve finally passed, it must be reported by that committee to be truly and strictly engrossed.

Rule 406. Enactment of Bills.

Every bill that has passed both chambers to be enacted and all resolutions having the force of law that have finally passed both chambers must be presented by the Secretary of the Senate to the Governor for approval; and the Secretary of the Senate shall enter on the journal of the Senate the day on which those bills or resolutions are presented to the Governor.

Rule 407. Responsibility for Legislative Papers.

All endorsements on papers passing between the 2 chambers must be under the signature of the Secretary of the Senate or the Clerk of the House, respectively; but after the final passage of bills and resolves they must be signed by the presiding officer of each chamber.

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

Rule 408. Joint Conventions.

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

Rule 409. Communications.

Whenever a message is sent from the Senate to the House, the chair shall appoint a messenger who, after being recognized, shall announce the message respectfully to the chair.

In a like manner, messages from the House must be communicated to the presiding officer of the Senate.

Part 5

Legislative Confirmations

Rule 501. Partisan Staff Assistants for Nominations.

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

Rule 502. Notice of Gubernatorial Appointments.

The procedures for legislative confirmation are established in the Maine Revised Statutes, Title 3, chapter 6. Upon receipt by the President of the Senate and Speaker of the House of notification from the Governor of the name of a nominee and of the office to which that person is nominated, the President of the Senate and Speaker of the House shall, without delay, forward that notice and copies of accompanying materials to the chairs of the joint standing committee that is charged by law with reviewing nominations to that office, to the Legislative Information Office and to the 2 partisan staff assistants for nominations. The Legislative Information Office shall establish an official file for each nominee.

Rule 503. Committee Preconference Hearing.

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

Rule 504. Committee Public Hearing.

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public within 30 days, or 35 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the Speaker of the House. At least 7 days before the hearing, the Legislative Information Office shall publish in the state paper and in a newspaper of general circulation in the area where the nominee resides a notice of that hearing, which must contain the time and place of the hearing, the name of the nominee, the office to which that person has been nominated

and a general description of the duties of that office. The notice must also contain a statement that written comments relevant to the qualifications of the nominee together with supporting materials may be filed with the Legislative Information Office by 9 a.m. on the hearing date. At the hearing, the committee shall take written or oral testimony limited to relevant comments and questions regarding the qualifications of the nominee. Notwithstanding the Maine Revised Statutes, Title 3, section 157, for the purposes of reviewing nominations pursuant to this rule, the joint standing committee has the power to administer oaths and to take testimony under oath. All testimony taken at the hearing must be recorded and testimony and other materials received by the committee must be preserved according to the Maine Revised Statutes, Title 3, section 159. The 2 partisan assistants for nominations shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

Rule 505. Committee Vote.

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

Rule 506. Senate Vote.

Within 45 days, or 50 days for judicial officers, from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination and, after review, shall vote by the yeas and nays on that recommendation.

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

Rule 507. Withdrawal of Nomination.

If the Governor withdraws a nomination at any time prior to the Senate vote by sending a written notice of withdrawal to the President of the Senate, the Legislature may not take any further action on that nomination.

Rule 508. Nomination Made Within 30 Days of Adjournment.

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

Came from the Senate **PASSED As Amended By Senate Amendment "B" (S-2).**

READ.

Senate Amendment "B" (S-2) was **READ** by the Clerk and **ADOPTED.**

Representative **MURPHY** of Kennebunk **PRESENTED House Amendment "J" (H-14)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This is a simple little amendment. A one word amendment. It removes the word Governor. This proposed rule addresses cloture. I know that as we look at this issue we have very deep feelings about the branch in which we serve. Sometimes we would like to reach out and touch another branch in a very ungentle way. I have got to tell you that in earlier life, as a legislator working with a Governor from our own party, there were times that loyalty to this branch, to this institution, was in conflict as you worked with the Executive Branch. You could feel that tugging and pulling at you much like it would be if you were rooting for the home team in a basketball game or a football game.

The framers of our State Constitution were very clear in this construction of three branches within our state government. They established checks and balances. I think the amendment or the proposal that came from the committee goes well beyond what are checks and balances. I don't think those founders or framers envisioned for the Executive Branch a date in the filing of legislation that after that date would require the Chief Executive of the state to come with hat in hand to the leaders of the Legislature and ask permission for the introduction of that legislation. We, both parties, because this isn't a partisan issue, will have our differences with the Chief Executive during this legislative session. There is no need for the opening day to see this tiff, this difference, between the Legislative Branch and the Executive Branch. We don't need to have the opening day begin with a constitutional cloud or a constitutional answer that has to go beyond this body and go to the third branch of government, the Judiciary, to be resolved.

If the intent of this change in the rules was to draw the Chief Executive's attention that the Legislature would like to have the legislation come to this body, come to this institution in a more timely manner, I am sure that message has gotten through. I don't think there is the need, as much as I love this institution and as much as I, at times, disagree with the founders, that it is not a co-equal branch of Maine State Government, but a superior branch in that relationship. I have to curb those home team, home field feelings and have to have what I feel is a level playing field.

The Governor has that ability to bring that legislation and I think if you look over the last 10 or 20 years there have been many instances with a Democratic Governor or an Republican Governor and an Independent Governor now where there has been a crisis or a problem that needs a solution. The Chief Executive, regardless of party, has been able to bring that solution to this institution. For the life of me, I cannot understand why this proposed change is before us. The differences will develop as we go through this legislative session. We don't need to start opening day with a constitutional cloud. I would hope that the members of this House, with a bipartisan spirit, would adopt this amendment.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I move Indefinite Postponement of House Amendment "J." This rule came from a Rules Committee, which was created by the presiding officers of the 118th Legislature to review the rules and provide this incoming Legislature with a report regarding proposed rules for the 119th Legislature. The committee was a bipartisan committee with members from both parties. Input was received from all members of the committee and this proposed rule was passed and accepted by that committee and recommended as part of the report to this Legislature. It is now before you for your consideration. There was no objection by anyone when this rule was proposed at the committee. That is how it came to be before you. The rule is not intended to create a constitutional confrontation, although it is the right of the Chief Executive to ask for the opinion of the third branch of government if he sees so fit.

What the rule does is quite simply to define the procedural process for the introduction of bills in this, the 119th Legislature. It is purely a procedural issue. What it says is that the Governor has a certain date by which his bills must be filed. At date, which is more generous than the date, which is given to you as individual members of this Legislature. It says that after that date then the Chief Executive must go through the same process that you go through to file your bills. That is to have the bill presented to the Legislative Council for their consideration on whether it will get before the body. We are not going to be able to answer the debate here, although we can give our own opinions on whether it is a constitutional or not a constitutional act of the Legislature.

The members of the committee felt it was clearly within our authority as legislators to do this and we so acted. I can only give my personal opinion that I find what the rule does to be within the constitutional power of the Legislature. I would ask you to join me in supporting the motion to Indefinitely Postpone.

Representative **THOMPSON** of Naples moved that **House Amendment "J" (H-14)** be **INDEFINITELY POSTPONED.**

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MCALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I to served on this committee and it was my honor and privilege to be on the committee for a second term. It would be my fourth year sitting on this committee. I found that the work was very exciting and interesting considering the dryness of the topic. I would urge anyone who has an opportunity to sit on that committee, there is no better way to learn the House Rules than by doing so. I probably will not sit on the committee after my speech tonight. There may be an opening, but that is out of my own hands.

Upon first brush, I agreed with my fellow committee members. We wrestled with this. It wasn't an easy decision. At the time we were looking at ways to streamline the process, take away some of the burrs that we thought we experienced last year that held the process up. Quite frankly, we are fighting a paper battle. We are not computerized. The people downstairs outdo themselves putting amendments and bills in and getting things done on a time sensitive basis. At that time, I believed that we were doing the right thing by creating a cloture date for the Executive. After looking it over and thinking it over and listening to my colleagues, I think we may have had a rush to judgment that was premature.

I see nothing wrong with us discussing this tonight. This is a valid topic. I think it does need to be visited from time to time in disgust. I would suggest and I would recommend, as we had

heard earlier tonight, that there is going to be another Rules Committee created and anybody who wishes to put in rules can present rules to that committee. I think this is where this should lie with some of the same committee members and perhaps new members of this body on that committee. For that purpose, I would recommend that that be where it goes, consideration to that new Rules Committee. It is an important topic to be discussed and it is something that we don't want to rush into. I don't know if we have time in the next few hours ahead of us to do this topic justice. We have a lot of new members in the House. I believe that they should have an opportunity to sit on that. You do talk about very important things, but there is no better way to learn the rules than to be up to your eyeballs in them in a discussion.

The committee members worked very, very hard. We talked about a lot of topics. We said a lot of things off the plate for over the horizon. There are some things on the radar screen, perhaps, for the future. My recommendation is that we allow this amendment to go on and then we refer the topic to the new Rules Committee where we will have proper time to discuss it and have everybody's point of view brought forward through testimony or through contact in the new Rules Committee members. Thank you ladies and gentlemen.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Make no mistake about it, this is a shift of power from one branch of government to the other. I agree with the previous speaker that this is not a partisan issue. It is far from it. We are dealing with the Executive Branch, an Independent Executive. Each individual legislator has to ask themselves if you have a problem in your district, a big problem either with your municipality officials or your town or an individual constituent or a business and you want to take it to the Executive and ask him to help you out and he says that he would happy to do that. I agree with you, we should do something about this. I am going to submit some legislation after cloture.

As individual legislators, Democrats or Republicans or whatever, you have to ask yourself if you want the Executive Branch to be able to help you with that problem or do you want to shift that power to the Legislative Branch or the Legislative Council that will decide whether that bill gets accepted or not. What the chances are, no matter what party affiliation you belong to, the Council may disagree and not allow that bill to be submitted. Not only is it a constitutional power grab, definitely it is not anti-constitutional, it is definitely a shift of power from the Executive to the Legislature. It is also disenfranchising or taking some of the power that you might have to address some of the problems of your local districts and your constituents. I beg you to join me to vote against this pending motion and Mr. Speaker, I ask that when the vote is taken, it is taken with the yeas and nays.

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "J" (H-14)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. We have heard a lot on this issue about the constitutionality. I think personally the courts will decide the

constitutionality. The issue for me is 62.5 percent of the people of Lewiston voted to put the Executive in office. I am not ready to go home and tell them I want to dilute his power because he doesn't belong to my party or he doesn't belong to any party or for any other reason. I would have a difficult time going home to my constituents and letting them know that I diluted 62.5 percent of their wishes for any reason. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "J" (H-14). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 2

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Andrews, Chick, Gamache, Lemont, Martin, McKenney, Perry, Samson.

Yes, 75; No, 68; Absent, 8; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, **House Amendment "J" (H-14)** was **INDEFINITELY POSTPONED**.

Representative **MENDROS** of Lewiston **PRESENTED House Amendment "L" (H-17)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. I proposed this amendment to give new members, to move the cloture date for new members to the first Friday following the first Monday in January, which would give us one week of actually being in session, for those of us who are new, to get bills in. When our constituents come and see us when the session actually starts, we will have a little bit of time, one week, to respond, to get something in. I did a little research on the history of these. This isn't the first time. Back in the 117th Legislature, 1995, two sessions ago, this rule was put in for everyone. Everyone had up until the first week of session as a cloture date. I may be incorrect here, but as I understand from speaking with the Clerk, it started out as in new members and it was amended on the floor to be everybody. There is history behind moving the date. If you look back further up until 1983, cloture date was the fourth Friday in January. We had plenty of time. I understand that there are more and more bills coming and that is why it was moved back.

On the number of bills that have been sponsored, in the 116th Legislature, which the cloture date then was the third Friday in December there were 1,567 bills. In the 117th Legislature, as I spoke earlier, when the cloture date was moved to where I proposed moving it, it was 1,586. That is only 19 more bills that were sponsored during that session when the cloture date was in the first week in January. It didn't create a massive amount of extra paperwork. However, in the 118th, which was the last one when the cloture date was again pushed back to December, we had 1,694 bills or they did, which is an increase of 108. It seems clear to me what is increasing the number of bills is more Representatives putting in bills, not moving the cloture date.

Another point, which I have been told, is I can go and put the bill in, the framework of it, but not all the meat, and get it in before cloture date and then I have time to tinker with it. It seems to me that is a loophole to get around the rule. I ran on having more effective and efficient government. In my opinion, what we should do is the rule needs a loophole to get around it, we should change it so it is more feasible and it is easier.

Again, my final point, for those of us that are new, we didn't have the entire summer from the end of last session to put bills in. All we would like is one week, not the four weeks that used to be, to get our bills in and get a chance so that when our constituents call us, we don't have to tell them we are lame ducks before we even took office. Thank you.

Representative JABAR of Waterville moved that **House Amendment "L" (H-17)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Jabar, Representative Waterville.

Representative JABAR: Mr. Speaker, Colleagues of the House. I, too, also served on the Rules Committee. I would just like to tell you that this Rules Committee was made up as a result of work on the subcommittee dealing with total quality management to come up with efficient ways of dealing with legislation in this House. The provisions that you have before you are a way of becoming more efficient. It has nothing to do with power. It has nothing to do with trying to disenfranchise new legislators. It is a matter of efficiency and timing. As you know, we have over 2,000 bills that we have to deal with. The staff here works under unbelievable pressure having to have all these bills presented to them. The way the rules are set up now, departments have to have their bills in, their cloture is December 2nd. Legislators have until December 18th and then the Executive under these new rules have January 4th. There is an order here of all of these bills being presented so that our staff is not inundated with all of these bills at the same time. It is simply a matter of efficiency in dealing with the bills that come before this body.

As you know, the beginning of the term in January there is sometimes very little to do because the bills have to be referred to committee. They have to be set up for hearings, then there has to be work sessions and it takes months before it goes through the process and we get it back here in the House and actually pass something. The more we put it off the tougher it is at the end of the term. This is just another way of trying to be more efficient. This was the rationale of the Rules Committee in dealing with these cloture dates and not trying to disenfranchise anybody or trying to shift any power from the Executive to the House. One of the concerns I have of giving a special date to the new legislators and I remember how difficult it was trying to play catch up and trying to get my sponsors at the last minute and trying to get my ideas before the House. If we don't do this,

then we create a significant loophole. I am sure it would not be very difficult for any legislator to find a new legislator that his bill was put in after he missed the cloture date. There are other procedures for getting bills in if you are late. The Legislative Council is very generous in affording you time if you have an idea and you want to put it in after the cloture date. You can also present something in a Joint Order on the floor and even bypass the Legislative Council if you feel they mistreated you in not allowing you to put in your bill. The same is for the departments and the same is true for any legislator that wants to put in a bill on behalf of the Executive.

I ask you to defeat this amendment and to go with the rules as adopted. They are there for a logical reason. They are there for efficiency purposes and nothing more. I ask you to support this motion to Indefinitely Postpone. Thank you.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "L" (H-17)**.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, Men and Women of the House. As a new member of this body, I was subjected to a very difficult election. That did not allow me the time to, in my opinion, represent the people of my district properly when it came to the cloture date. I didn't even find out the cloture date until December 1st. I had not met with my selectmen. I had not met with people in my community to find out their concerns. It is my concern now that as a Representative for District 59 that I cannot represent my people fully without first communicating to them any concerns that they may have or any new legislation that they would like to submit. The time is just not there. I kind of wonder if that wasn't a bit intentional. As a new legislator, it is not my intention to bury you under new legislation. As a new member in this body, it is my intention to represent the people of my district fully. The issue for me is, can I do that in 18 days? In my opinion, I cannot. I urge you to please support this amendment. It is our job here to represent the people of our district fully. I feel I cannot do that in this short period of time. Thank you.

Representative ETNIER of Harpswell **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "L" (H-17)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "L" (H-17). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 3

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gerry, Gillis, Glynn,

Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Andrews, Chick, Gamache, Lemont, Martin, McKenney, Perry, Samson.

Yes, 75; No, 68; Absent, 8; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, **House Amendment "L" (H-17)** was **INDEFINITELY POSTPONED**.

Representative NASS of Acton **REQUESTED** a roll call on the motion to **ADOPT** the Joint Order (S.P. 9).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of the Joint Order (S.P. 9). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 4

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman,

Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Andrews, Chick, Gamache, Lemont, Martin, McKenney, Perry, Samson.

Yes, 75; No, 68; Absent, 8; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, the Joint Order was **ADOPTED As Amended By Senate Amendment "B" (S-2)** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SENATE PAPERS

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

ORDERED, the House concurring, that a sufficient number of the Legislative Record for the 119th Legislature be printed, one copy for each of the members of the Senate and the House of Representatives who so desires, the Secretary of the Senate and Clerk of the House. The remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

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

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

The following Joint Order: (S.P. 8)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, January 6, 1999, at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

On motion of Representative BRYANT of Dixfield, the House adjourned at 9:01 p.m., until 10:00 a.m., Wednesday, January 6, 1999 pursuant to the Joint Order (S.P. 8).