

# 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)

Senate Legislative Record  
One Hundred and Nineteenth Legislature  
State of Maine

Volume 1

First Regular Session  
December 2, 1998 to May 4, 1999

Pages 1 - 746

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

In Senate Chamber  
Wednesday  
December 2, 1998

Pursuant to the Provisions of the Constitution and the laws of the State of Maine, the Senators-elect of the One Hundred and Nineteenth Legislature convened in the Senate Chamber at ten o'clock in the morning and were called to order by JOY J. O'BRIEN, Secretary of the Senate of the One Hundred and Eighteenth Legislature.

Prayer by Reverend Dr. Edward F. Grant of the Eliot United Methodist Church in Eliot.

**REVEREND DR. EDWARD F. GRANT:** Let us pray. Eternal God, thank You for this high honor, unique privilege and the awesome responsibility You have given to the newly elected members of the Maine Legislature and the Governor. To the free and democratic will of the people of Maine to represent them and to work for their best interests in the legislative and executive branches of the government of this State. At this exciting and proud moment of celebration and challenge and the swearing in of the Senators to the Senate of this session of the 119<sup>th</sup> Maine Legislature, make them ever mindful of the fact, oh Lord, that great privileges, particularly in the democratic system of government, always brings with them great responsibilities, and that there can be no higher or greater responsibility in this regard than seeking, at all times, first and foremost, the greatest good in terms of the quality of life for the people of Maine. Indeed, may this people principle be such a powerful and absolute guide and influence in all of their deliberations and decisions during this legislative session that the laws they make will conform to the highest moral ideals of justice and equality for all of the citizens of Maine and that consequently, this Senate, along with the House and Governor King, would make this 119<sup>th</sup> Maine Legislature the most productive and progressive in its history, and thus succeed in making Maine one of the most, if not the most, well governed state in the nation, in terms of peoples' welfare and well being. May this, oh Lord, be their solemn and sacred pledge to You and to the people of Maine. Amen.

\_\_\_\_\_  
Pledge of Allegiance led by Senator-elect Georgette Berube of Androscoggin.

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

The Following Communication: S.C. 1

STATE OF MAINE  
Office of the Secretary of State

December 2, 1998

To Joy J. O'Brien, Secretary of the Senate, 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 Senators-elect to the One Hundred and Nineteenth Legislature, in accordance with the tabulation submitted to the Governor on November 23, 1998:

- DISTRICT 1 JUDY PARADIS, Frenchville
- DISTRICT 2 R. LEO KIEFFER, Caribou
- DISTRICT 3 MICHAEL H. MICHAUD, East Millinocket
- DISTRICT 4 VINTON E. CASSIDY, Calais
- DISTRICT 5 JILL M. GOLDTHWAIT, Bar Harbor
- DISTRICT 6 RICHARD P. RUHLIN, Brewer
- DISTRICT 7 MARY R. CATHCART, Orono
- DISTRICT 8 PAUL T. DAVIS, Sangerville
- DISTRICT 9 ROBERT E. MURRAY, JR., Bangor
- DISTRICT 10 BETTY LOU MITCHELL, Etna
- DISTRICT 11 SUSAN W. LONGLEY, Liberty
- DISTRICT 12 ROCHELLE PINGREE, North Haven
- DISTRICT 13 S. PETER MILLS, Cornville
- DISTRICT 14 RICHARD J. CAREY, Belgrade
- DISTRICT 15 BEVERLY C. DAGGETT, Augusta
- DISTRICT 16 MARJORIE L. KILKELLY, Wiscasset
- DISTRICT 17 JOHN W. BENOIT, Sandy River Plantation
- DISTRICT 18 SHARON TREAT, Gardiner
- DISTRICT 19 MARY E. SMALL, Bath
- DISTRICT 20 JOHN M. NUTTING, Leeds
- DISTRICT 21 GEORGETTE B. BERUBE, Lewiston
- DISTRICT 22 NERIA R. DOUGLASS, Auburn
- DISTRICT 23 PHILIP E. HARRIMAN, Yarmouth
- DISTRICT 24 NORMAN K. FERGUSON, JR., Hanover
- DISTRICT 25 RICHARD A. BENNETT, Norway
- DISTRICT 26 CAROL A. KONTOS, Windham
- DISTRICT 27 I. JOEL ABROMSON, Portland
- DISTRICT 28 ANNE M. RAND, Portland
- DISTRICT 29 WILLIAM B. O'GARA, Westbrook
- DISTRICT 30 JANE A. AMERO, Cape Elizabeth
- DISTRICT 31 PEGGY A. PENDLETON, Scarborough
- DISTRICT 32 LLOYD P. LAFOUNTAIN III, Biddeford
- DISTRICT 33 BRUCE W. MACKINNON, Sanford
- DISTRICT 34 JAMES D. LIBBY, Buxton
- DISTRICT 35 MARK W. LAWRENCE, Kittery

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 Thousand Nine Hundred and Ninety-eight.

S/Dan A. Gwadosky  
Secretary of State

**READ and ORDERED PLACED ON FILE.**

---

The Secretary noted the absence of the Senator-elect from Franklin, Senator-elect Benoit, and further excused him from today's Quorum Call.

---

**QUORUM CALL**

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

**ROLL CALL (#1)**

**PRESENT:** Senators-elect: ABROMSON, AMERO, BENNETT, BERUBE, CAREY, CASSIDY, CATHCART, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, LAWRENCE

**EXCUSED:** Senator-elect: BENOIT

34 Senators having answered the Roll with 1 Senator being excused, the Secretary declared a quorum present.

---

On motion by Senator-elect PINGREE of Knox, the following Senate Order: S.O. 1

**ORDERED**, that a message be sent to Governor Angus S. King, Jr., informing him that a quorum of Senators-elect is present in the Senate Chamber, ready to take and subscribe to the oaths of office required by the constitution to qualify them to enter upon the discharge of their official duties.

**READ and PASSED.**

The Secretary appointed the Senator-elect from Knox, Senator-elect **PINGREE** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator-elect to the Governor's Office.

Subsequently, the Senator-elect from Knox, Senator-elect **PINGREE** reported that she had delivered the message with which she was charged.

At this time, the HONORABLE ANGUS S. KING, JR., GOVERNOR of the State of Maine, entered the Senate Chamber and was escorted by the Sergeant-At-Arms to the rostrum. (Amid applause, the Members rising.)

**GOVERNOR KING:** Thank you. I am here today with a simple task. I am sort of like a body at an Irish wake, an important part of the proceedings, but nobody expects you to say much. I just want to welcome you and welcome the newly elected Senators especially, welcome the returning Senators, as we begin to organize to do the people's business. I was thinking, as I was walking up here, the people who founded our government, who created these institutions, if you think back to those times 200 years ago, had one image of government firmly in their minds, that image was George III. That image was supreme authority that was concentrated in one place. They wanted to devise a system that would allow government to work, but would be slow and deliberate. Sometimes cumbersome. Often complicated. And they succeeded beyond their wildest dreams. There are built into our system rivalries and differences, and indeed that is part of the structure. Partisan differences, institutional differences, regional differences. Differences according to interests and parts of the state. Those differences will always arise in the day-to-day course of our business, but we also have to seize on the central purpose which is, in the end, to serve the needs of the people of Maine. There will be times when there will be differences between and among the members of this body, there will be differences between this body and the other body, which shall remain nameless. There will be differences between this body and my office. But, if we all keep in mind what we are here for, what our goals are, we will be able to serve the people well.

As I sat, during the political debates of the electoral season just passed, I suddenly had an insight. When you are in a campaign with four other candidates you have lots of time to think during the debates. I had an insight that we all had the same goals. We all wanted the same things. We wanted Maine to be more prosperous, we wanted our children to be healthy and well educated. We wanted Maine to be the most wonderful place in the country to live. We do all have the same goals here in this building. So, it's my true pleasure to welcome you here old friends and new. It is my duty to administer the oaths to all the Senators but one. One Senator, the Senator from Franklin, will not take the oaths with us. The first time I did this and the Senator from Franklin didn't take the oaths and arrived at my office a few hours later I thought that some terrible mistake had been made, that John had hit a moose between Farmington and Augusta. But the Senator from Franklin, by long standing tradition of the State of Maine, has the duty of tending the fires in the State House, and tending the fires in the State House keeps him from attending the swearing-in of all of his or her colleagues and is sworn in later in the day. So Senator Benoit will not be standing with you today because, of course, he is tending to that duty going back to the foundation of this state. If all others would rise. Now, in Maine, when you are sworn into office we have two oaths, so don't quit on me in the middle. There is a second oath.

---

**ORGANIZATION OF THE SENATE**

---

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

The Sergeant-At-Arms escorted Governor Angus S. King, Jr. from the Senate Chamber. (Amid applause, the Members rising.)

---

**THE SECRETARY:** Nominations are now in order for the office of President of the Senate of the 119<sup>th</sup> Legislature. The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Madam Secretary, a few years ago I had the pleasure of nominating a young Senator to be the leader of my party at the Democratic Caucus. I recalled saying, at the time, that he would be a credit to our party and he was, and that he would act fairly with everyone and he did, and that integrity would be his guide word and it was. I was proven right. He rose to become President of this Senate, and he has proven again that he brings to the office all of the necessary ingredients to lead, to listen and to work closely with every member of this body. So, it is a great pleasure and a distinct honor to place in nomination the name of our current Senate President, Mr. Mark Lawrence.

**THE SECRETARY:** The Senator from Androscoggin, Senator Berube, has nominated Senator Mark W. Lawrence of York County for President of the Senate of the 119<sup>th</sup> Legislature. Is there a second? The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Madam Secretary. I would be privileged to second that nomination and would like to say that having had the pleasure of serving in this body for two terms now, I have also had the experience of serving under two presiding officers, both of whom led this chamber in a way that was knowledgeable, fair, impartial, courteous, dignified and efficient. They have both been a credit to this chamber and to our State. I know that this tradition will continue under the leadership of the current nominee and I hope that you will join me in supporting the Senator from York, Senator Lawrence, for President of the Senate. Thank you.

**THE SECRETARY:** The name of Mark W. Lawrence of York has been nominated and seconded. Are there any other nominations? The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Madam Secretary. It is with a great deal of pleasure that I rise today to place in nomination for the position of President of the Senate a man who is about to enter his fourth term in the Maine Senate. He is a man of great experience, of great dignity. He has served in a leadership position, as both Majority and as a Minority leader. He has four years of experience in those positions. He is a man of great dedication and that dedication is shown not only

here in this chamber and in the committees that he has served, but it comes from the fact that he commutes from probably the farthest distance of anybody in our state and he makes that great commitment to leave his family and to spend months and months with all of us doing the people's work. So, it is a great honor for me to nominate today a man of great integrity, great dedication and great commitment to the people of the State of Maine. I nominate R. Leo Kieffer of Aroostook County for President of the Maine Senate for the 119<sup>th</sup> Legislature.

**THE SECRETARY:** The name of R. Leo Kieffer of Aroostook County has been placed in nomination. Is there a second? The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** It is my very deep and very great pleasure to rise and second the nomination of Leo Kieffer to be President of this body. I must begin by making one very minor footnote to the presentation by my Minority leader and that is that Caribou isn't quite the end of the earth, but you can see it from there. There are some representatives from Fort Kent and Madawaska that could probably challenge the assertion that Leo travels the farthest to get here. But no one will quarrel with the number of miles that he puts on his pickup truck by the end of the year. It's a challenge to anybody's stamina. Leo has not only stamina, he is one of the most honorable people I have ever met and have served with. He has great dignity. He is blessed with the world's greatest level of common sense. He has a practical solution to even the most complicated and the most difficult problems. He cuts to the chase and gets to the bottom line. I am truly looking forward to serving with him for the next two years. For those members of the public who are here, one of the tragedies of term limits is that Leo is in his last term at this juncture. I take great and deep and sincere pleasure in seconding his nomination. Thank you.

**THE SECRETARY:** The name of R. Leo Kieffer has been moved and seconded. Are there further nominations? The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Madam Secretary. I move that nominations cease.

**THE SECRETARY:** The names of Mark W. Lawrence of York County and R. Leo Kieffer of Aroostook have been placed in nomination. The Sergeant-At-Arms will distribute the ballots. The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Madam Secretary. Madam Secretary and fellow members of the Senate of the 119<sup>th</sup> Legislature. Today I am beginning my fourth and final term in the Maine Senate. I'm sure that many of you are probably looking forward to that time. I'm sure that this will probably bring some smiles to my face as well. During the course of my service in the Senate I can honestly say that I have pretty much traveled full circle. I started out as a freshman Senator in the Minority Party, then I was elected to serve as the Majority Leader when the Senate was controlled by the Republicans for the first time in more than a decade. Subsequently I served as the Assistant Republican leader in

the Minority Party during the past two years. It has been a real, sort of, roller coaster ride, and yet it has been a very exciting one.

I'm here before you today as my party's nominee for the Senate President, not because we are deluded in any manner in believing that we have the necessary votes to be elected President, but because we hope to offer our caucus' fervent desire to begin a new era of bipartisan cooperation within the Senate itself and the Legislature. To each of us today marks a new beginning. To some it's the beginning of our final legislative term, and to others it merely marks the beginning of another term in office, and to fewer still it represents the start of a new political career. Many of the faces in the chamber remain virtually unchanged. However, I do want to welcome back to the chamber the Honorable Senator from Androscoggin, Senator Berube. I also want to extend a warm welcome to our newest members, Senator Kontos, Senator Douglass and Senator Davis. May each of you, and each of us be granted, over the next two years the wisdom and the strength to work to build a better state wherein the people we represent can participate in and prosper because of government and not necessarily in spite of it.

Today's swearing-in ceremony represents our participation in the orderly transfer of legislative authority by the direction of the people. This is the simple magic that makes the representative democracy so special. The continuing fact that the people, by democratic process, delegate power and yet they retain custody of it. Many of us in this room have lived with this miracle too long to be properly appreciative of it, but clearly we have been entrusted, even if only temporarily with the breathtaking responsibility. We have been chosen by the people to represent their individual interests here and I believe that each of us takes this responsibility seriously and humbly. Our Republican principles remain unchanged, lower taxes to be paid for by smaller and more efficient and effective government, boosting the economy to provide better and higher paying jobs, improved funding for education coupled with accountability and improvements in programs that help and assist our most needy and vulnerable children and elderly citizens still remain at the top of our list. Many of you here today campaigned on those very same issues. Now that the campaign has ended these issues don't just simply go away. Problems remain to be solved. These problems will certainly challenge all of us. In the end our success depends on our ability to work together productively for the common good of the people. We Republicans look forward to the coming session and hope to turn a new page in bipartisanship and cooperation by working with the Governor, members of his administration, our Republican House colleagues, as well as our Democratic colleagues in the Majority Party in this chamber and in the chamber down the hall. Obviously, we will not always agree. Nevertheless, I pledge on behalf of the Republican colleagues to promote our agenda tirelessly, but also pledge that when we also do disagree with the Majority Party we will do so without being disagreeable. I believe we can and we must avoid angry confrontations when consensus cannot be reached. I think we have a tremendous opportunity that this session presents as we forge new partnerships among one another that will benefit all of Maine.

Over the past several years I have truly come to learn the meaning of the word reality. Having said that, I hereby request that my name be withdrawn from consideration for the office of the President of the Senate and ask my Republican colleagues to support the Majority Party's nominee, the Senator from York, Senator Lawrence, as President of the 119<sup>th</sup> Maine Senate. Thank you.

**THE SECRETARY:** The Senator from Aroostook, Senator KIEFFER, requested leave of the Senate to withdraw his name from consideration for the office of President of the Senate. Is this the pleasure of the Senate? So moved. The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Madam Secretary. I move that one ballot be cast, on the part of the Senate, in favor of Mark W. Lawrence of York County for the office of President of the Senate for the 119<sup>th</sup> Legislature.

**THE SECRETARY:** The Senator from Cumberland, Senator Amero, has moved that one ballot be cast, on the part of the Senate, in favor of Mark W. Lawrence of York County for the office of President of the Senate. Is it the pleasure of the Senate that this motion receive passage? It is a vote. The Sergeant-At-Arms will carry the ballot box to the Senator from Cumberland, Senator Amero.

This being done, Senator **MARK W. LAWRENCE** of York, was duly elected President of the Senate of the 119<sup>th</sup> Legislature.

The Secretary requested the Senator from Androscoggin, Senator **BERUBE**, and the Senator from Hancock, Senator **GOLDTHWAIT**, escort the President-elect to the Governor's Office for the purpose of taking and subscribing to the necessary oaths of office required by the Constitution to qualify him to enter upon the discharge of duties of the office of President. The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **BERUBE**, the Senator from Hancock, Senator **GOLDTHWAIT**, and the President-elect to the Governor's Office.

---

Senate at Ease

Senate called to order by the Secretary.

---

Subsequently, the Senator from Androscoggin, Senator **BERUBE**, reported that they had attended to the duties to which they were assigned and were pleased to report that Senator **MARK W. LAWRENCE** of York, had, before the Governor, taken and subscribed to the necessary oaths of office to qualify him to enter upon the discharge of the duties of the Office of President of the Senate of the 119<sup>th</sup> Legislature.

Thereupon, President **LAWRENCE** of York was escorted to the rostrum by the Sergeant-At-Arms. (Amid applause, the Members rising.)

**THE PRESIDENT:** Thank you very much. I do want to thank the good Senator from Androscoggin, Senator Berube, and the Senator from Hancock, Senator Goldthwait, for those nominations and escorting me downstairs and I want to send my deep thanks to the Senator from Aroostook, Senator Kieffer, for his speech and his movement on making the election of the President unanimous. I do appreciate that.

It's truly humbling to be standing before you for a second time after being elected by you as President of the Maine State Senate. It's one of the greatest honors I think I have ever had in my lifetime, short of getting married, which was, to me, the greatest honor in my life. That's not just because my wife is here. I promise to continue to do what I promised two years ago. To work to earn your trust, your respect and your confidence during this tenure. I assure you that we will not only work to try to be bipartisan, we will work to be nonpartisan too, and include both Republicans and Democrats and Independents in what we do in this body.

To each of you, the members of the new Maine Senate, I just want to congratulate you on your victories. It is hard to run an election. It is hard to do what we do. I join with your families and you to congratulate you on your great accomplishment and to thank you for that tireless dedication you have to make to the people of the State of Maine to get elected to this body. I want to pay a special thanks to your family members and your friends who are here with you today, because they too have sacrificed greatly for you to be here. It is a sacrifice that you only know when you go through it. It's something you can only experience when you are running for office. I know each and every one of you feel as I do, we could not be here without that sacrifice of our family and our friends and I wonder if we could just give them a round of applause in appreciation. (Amid applause the members rising.)

I also want to welcome the four new members we have here. Some of them are not new, having come over from the other body, and some having been members, one having been a member of this body before, and we have two new members. If you notice their names behind me are in white, there is no significance to that, other than the lightbulb behind burnt everyone else's name out during the last session. So, I don't want you to feel that we are going to treat them special, but we are indeed thankful that they are here and congratulate them.

Two years ago, when I stood before you in the Maine Senate, and challenged all of us to forge a new majority, I asked that we change the public discourse in Maine in a way that would restore faith in government and respect for public service that is so essential to what we need to do to accomplish our tasks. I said at that time that if we failed forever we will be shackled by public cynicism and distrust of government that would run so deep that government would actually cease to be able to operate in the manner the people who created the Constitution intended. Men and women of the Senate, not only, to those of you who are returning, did we work together over the last two years to change the public discourse, but we took very real steps towards preparing Maine for the 21<sup>st</sup> century. We did it

because we listened to the people who sent us here. I have always believed that leadership starts with listening. Because we listened, the Maine Legislature now has one of the highest approval ratings in the history of the State. When the people of Maine told us to invest in public education, we listened and we passed the largest increase in public education during the last legislature. That was not a partisan proposal. That was Republicans and Democrats and Independents who all worked for that. When the people of Maine told us that property taxes simply were growing too high, we listened and passed the largest funded tax decrease in Maine's history. When the people of Maine told us to stop talking about economic growth and to start acting. We listened with a strong bipartisan support we made an unprecedented investment in research and development, culminating in the passage of a \$20 million bond issue this past December, for which we can all take credit. I want to express my sincere thanks to the people who worked on that committee, especially the good Senator from Oxford, Senator Bennett, the good Senator from Hancock, Senator Goldthwait, and the good Senator from Penobscot, Senator Cathcart, for their work in truly making that a non-partisan issue as we moved through the legislature. When senior citizens told us the cost of prescription drugs were making them, literally, sick, we listened and secured low cost drugs for Maine's elderly so that fewer Mainers will have to choose between putting food on the table and buying prescription drugs. I want to thank and congratulate the good Senator from Knox, Senator Pingree, for the tireless work she did on that endeavor to make it happen in this Legislature. When Maine families told us that no child should go without basic health care coverage we listened and made health care available to more than 20,000 uninsured children in this State. I want to congratulate you all for accomplishing that. We did this because we chose to be leaders for the people of the State of Maine and we became leaders because we listened to what the people wanted.

That is the past, and the past is the past as we all know in politics. We can't live on our past accomplishments. We must look to the future at what needs to be done. In just two years Maine will enter a new millennium and we enter it under challenging circumstances. We enter it under great competition from other states for jobs, for education, for a variety of different things in which we must now face up to those challenges. Each of us here was elected to find solutions, to provide leadership and to listen. I'm pleased to have my parents here today, sitting in the front row. I was raised in a family of four children, where my parents believed that re-investing in the family was the most important thing they could do in their lifetimes. My parent's families lost, literally, everything during the depression, and they felt that they had to create a different economic opportunity for their children. I can still remember when my parents used to have an accordion file, and maybe some of you here in this room have an accordion file like that at home. My mother used to actually have my father cash his check. That's something we don't do now, with electronic banking, but he used to actually take it and cash it and come home with cash in various denominations. My mother would take it and divide it up and put it in different slots in that accordion envelope. There was something to pay the mortgage, there was something to pay the electric bill, there was something to pay for the auto, there was something in the back for our education. No matter what

happened during the week, they always saved for the future. Whenever an envelope had to go with something a little less, it was never that back envelope, the one saving for our future. I would not be here today but for that sacrifice. During the last two years I have had a chance to travel across the State. I went out, or tried to get out, one day each week to visit a different community. I can tell you there are great challenges facing the State of Maine, just as there were challenges facing my parents when they decided to raise four children in this State. I visited the district of the good Senator from Androscoggin, Senator Douglass, and she took me to a class of fourth graders at East Auburn Elementary School who worried about the safety of their building and how much it had declined. I went to the district of the good Senator from Aroostook, Senator Kieffer and spoke with a college student in Presque Isle who is trying desperately to balance between paying for school and finding time to study. I went to the district of the good Senator from Piscataquis, Senator Davis, and talked to the Town Manager in Dover Foxcroft who told me that most towns in the area were just one plant, or one business, away from an economic disaster if that business closed. I talked in the district of the good Senator from Oxford, Senator Ferguson, to a single mother in Rumford who shared with me the barriers she had to face solely trying to reenter the work force from welfare. Her barrier was trying to find a car that she could buy cheaply enough and keep on the road long enough so that she could make it the 20 or 30 miles to her job and back to her family. I visited the district of the good Senator from York, Senator LaFountain and spoke to 2 doctors in Biddeford who run a free clinic for folks who can't afford to see a doctor or get basic prescriptions covered. These are the real people you and I meet every day of our lives, and we see when campaigning. They have real ideas to what we, as leaders, need to do to prepare Maine for the 21<sup>st</sup> century. For each of these examples, I'm sure you can think of many more people back in your districts with similar stories.

From listening to these people and listening to all the stories you and I have heard from all across Maine, I bring to you four challenges for the 119<sup>th</sup> Maine Legislature. First, we hear day after day that our public school infrastructure is desperately in danger. There was recent report that said we have a need for \$120 million for repair and renovation of our schools. In the last legislature we funded \$20 million of that, only one sixth of that need.

I issue a bipartisan challenge to each and every one of us to visit our school districts, find out what is going on in the next two months and to come back, after having listened to the teachers, listened to the children and listened to the town officials, and then come back here to prepare Maine for the 21<sup>st</sup> century. It's time to invest in safe schools that we can be proud of again. Let's tell those kids at the East Auburn Elementary School that we did, in fact, listen to them.

Second, there is a major problem facing Maine and sometimes people refer to it as the 2 Maines. I am someone who has never believed that there are 2 Maines. I could never find a line to divide the State in half. I charge anybody to try to define that line. But there is differences in our economies. As I went out and traveled around the State I can tell you that the economy in southern Maine, York County, Cumberland County and up the coast, is doing very well. But central Maine, and I

refer to central Maine from Lewiston/Auburn, up to Bangor, it's economy is stagnant and not experiencing the growth that the previously mentioned counties are experiencing. When I traveled in eastern and northern and western Maine, I can tell you that they are still in an economic recession that they have not pulled out of. They desperately need our attention to their issues. So, I would urge you not to think of 2 Maines, but to think of how we address the regional problems of this State, because the solution that will help Rumford is not the solution that will help Washington County. The solution that will help Aroostook County are not the solutions that will help Lewiston/Auburn or Androscoggin County. It's time this entire Legislature, and it doesn't matter which part of the State we come from, did something to build one strong economy for our State. So, this is my next challenge to the legislature. I challenge us to pass an economic development package which includes, but is not limited to, assistance going to the farmers and the people in agriculture in this State, to preserve the amount of farmland in this State, to guarantee that it stays productive farmland and to assist them in marketing their products around this country. I urge that we finally begin to do something on an east-west highway in this State, and an extension of the highway to the most northern reaches of this State. If you look at the economic development that has happened in the State of Maine, it is around the Route 95 corridor. It is no coincidence that it is there. Economic development follows roads. Until we join Fort Kent with Kittery and until we join Calais with Berlin, New Hampshire, we will not be able to extend economic development around the State. That is an incredible task, it's a task that is going to take financial resources. It's a task that is not simply going to take one legislature to accomplish. It's going to take a concerted effort over a series of years, but we must begin that task. I urge you to continue the work that we did in this past Legislature to invest in research and development. We all know that Maine ranks fiftieth in research and development and we are behind every other state. Until what we did last year, we were soon be passed by Puerto Rico. We cannot allow that to continue and we must build an economy of the 21<sup>st</sup> century. Not only that, we must look outside of our borders. The next challenge is to open tourism and trade offices in Quebec and New Brunswick. Two of our key trading partners that we often overlook.

The final challenge is to create economic development teams to go outside of Augusta. To go into the three counties in this State that are experiencing the most severe recession in this State, and to put the people from Augusta in those counties to find out what can be done over the next year to 2 years to turn those economies around. To see if there is something that we can do to jumpstart the economy of the most difficult parts of this State. Together we can prepare Maine for the 21<sup>st</sup> century. Together we can build a strong economy for all the regions of the State. Together we will be able to tell that Town Manager in Dover Foxcroft, and that single mother in Rumford that we listened to them.

The third challenge I make to you is what I consider to be the real 2 Maines. The real 2 Maines, in the future, is going to be those with an education and those without an education. That will define economic development in the State of Maine over the next decade and the next two decades. Families across the State keep telling us that the number one barrier to higher



education is cost. It's as simple as that. I will not accept the line that Maine kids do not go to college because they are not prepared or because they don't have aspirations. We have some of the highest test scores in the country and if you talk to Maine children they have great aspirations. We all know that Maine can't create good jobs if people don't have the technical skills and higher education to take advantage of them. Again, I heard everyone talking about higher education and jobs during this campaign. My third challenge is that we make those promises a reality. We must find a way to make higher education affordable to every single student who wants to, is willing to, and has the ability to work for it. Period! Let's prepare Maine for the 21<sup>st</sup> century. Let's give our kids the tools they need to succeed. Let's tell that young man up in Presque Isle that we listened to him and his desire to have access to higher education.

Finally, I leave you with perhaps the biggest challenge. Everywhere in Maine, families will tell you that they are sick and tired of having their medical decisions controlled by someone other than their families and their doctors. Maine needs to do something to change this situation, to give control back to families and doctors so that they participate in their decisions on health care. It's time for us to keep a promise to Maine families, a promise to level the playing field and say "you're health is more important than the bottom line." I challenge this Legislature to pass a Patient's Bill of Rights so that families and doctors will make their own health care decisions. Leadership truly does start with listening. When we fail to hear what is really going on out there across Maine, we fail our communities and our families, but also we fail ourselves as leaders. Just as I said 2 years ago, we are not always going to agree on the solutions. We are not going to agree on a lot of the things that I just said, but the debate must start here today. Too many people are counting on us in Maine, to rebuild our economy, to prepare Maine for the 21<sup>st</sup> century. Together, working together in a bipartisan fashion and a nonpartisan fashion that the good Senator from Aroostook, Senator Kieffer talked about and that the good Senator from Hancock, Senator Goldthwait, has talked about in this chamber many times. Together we can provide that leadership for Maine. Together we can provide leadership that listens.

Men and Women of the Senate, I thank you sincerely for your continued support. Let's come back in January and make history. Thank you.

---

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

The Sergeant-At-Arms escorted the Senator from Piscataquis, Senator **DAVIS**, and the Senator-elect from Franklin, Senator-elect **BENOIT**, to the Governor's Office.

---

Senate at Ease.

Senate called to order by the President.

---

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

---

**THE PRESIDENT:** Nominations are now in order for the Office of Secretary of the Senate of the 119<sup>th</sup> Legislature. The Chair recognizes the Senator from Penobscot, Senator Michaud.

Senator **MICHAUD:** Mr. President, Men and women of the Senate. It is with great pleasure that I nominate Joy J. O'Brien for Secretary of the Senate for the 119<sup>th</sup> Legislature.

**THE PRESIDENT:** The Senator from Penobscot, Senator **MICHAUD**, has nominated Joy J. O'Brien of Cumberland County for the office of Secretary of the Senate of the 119<sup>th</sup> Legislature. The Senator may proceed.

Senator **MICHAUD:** Thank you Mr. President, men and women of the Senate. When Joy and I first came to the Legislature we were just kids. Although it seems just like yesterday time has been flying pretty fast. It has been more than 18 years that we have both been walking these hallowed halls together, serving the public. I know that I have aged gracefully throughout my tenure. And Joy has seemed to not have aged at all. All of us who have worked with Joy and her wonderful staff know that we do have the best staff around. I have gone to Joy time and time again with a job that had to be done yesterday and Joy has found a way to actually turn back the clock and try to meet the deadlines. There is no one more professional, proficient than Joy O'Brien. Her knowledge, her dedication and most of all her loyalty to this institution makes her, and the entire staff of the Secretary of the Senate's office, invaluable to all of us here in this chamber. Her efforts and efficiency makes the work we do here easier and more enjoyable. So, once again, it is an honor, and with great pleasure that I nominate Joy J. O'Brien for the office of Secretary of the Senate of the 119<sup>th</sup> Legislature. Thank you.

**THE PRESIDENT:** The Senator from Penobscot, Senator Michaud nominates **JOY J. O'BRIEN** for Secretary of the Senate of the 119<sup>th</sup> Legislature. The Chair recognizes the Senator from York, Senator LaFountain.

Senator **LAFOUNTAIN:** Thank you Mr. President. I second that nomination.

**THE PRESIDENT:** The Senator from York, Senator LaFountain, has seconded the nomination of Joy J. O'Brien of Cumberland County. The Senator may proceed.

Senator **LAFOUNTAIN:** Thank you Mr. President, men and women of the Senate. It is an honor and a privilege for me to second the nomination of Joy O'Brien for the position of Secretary of the Senate. Joy is very knowledgeable of the legislative process and has been quite helpful to all of us who have maneuvered our way through this sometimes difficult and cumbersome process. Her years of experience in partisan offices, together with her seven prior terms as Secretary of the Senate will certainly benefit the members of the 119<sup>th</sup> Maine Legislature and the citizens of Maine. I am most impressed with Joy's management abilities and the dedication of her entire staff. They are all experts in their profession and work extremely well under pressure. They are the people that we count on to make our jobs look so easy. To make their jobs more easy, Senator Cathcart, Senator Treat and I have taken a pledge and that pledge is to continue to supply you with hundreds and hundreds of honorary pages throughout the next 2 years. It is without hesitation, and with great enthusiasm that I second her nomination and encourage this body to support Joy O'Brien. Thank you.

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

Senator **AMERO:** Thank you Mr. President. I move that nominations cease and further move that one ballot be cast on the part of the Senate in favor of Joy J. O'Brien of Cumberland County for the office of Secretary of the 119<sup>th</sup> Legislature.

This being done, **JOY J. O'BRIEN** was duly elected Secretary of the Senate of the 119<sup>th</sup> Legislature. (Applause, the Members rising.)

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

Senator **HARRIMAN:** Thank you Mr. President. May I be the first to officially congratulate you on your reelection and I request unanimous consent to address the Senate on the Record.

**THE PRESIDENT:** The Senator from Cumberland, Senator Harriman, requests unanimous consent to address the Senate on the Record. Is this the pleasure of the Senate? It's a vote. The Senator may proceed.

Senator **HARRIMAN:** Thank you very much Mr. President, ladies and gentlemen of the Senate, and friends, I want to extend a personal congratulations to Joy O'Brien as our new

Secretary of the Senate. I say that as someone who came here six years ago as a member of the Minority Party. I want to express to everyone here that every opportunity that I had to use the services of your office and your personal expertise I never once felt that I wasn't getting your full attention and the services that I received from you and your staff have been professional and top shelf in every way. I personally want to thank you for making me feel just as important as everyone else, regardless of my party affiliation. I thank you.

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

The Sergeant-At-Arms escorted the Senator from Penobscot, Senator **MICHAUD**, the Senator from York, Senator **LAFOUNTAIN** and the Secretary-elect to the Governor's Office.

---

Off Record Remarks

---

Senate at Ease.

Senate called to order by the President.

---

Subsequently, the Senator from Penobscot, Senator **MICHAUD**, reported that they had attended to the duty assigned to them and that **JOY J. O'BRIEN** had, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of the Office of Secretary of the Senate of the 119<sup>th</sup> Legislature.

Thereupon, the Secretary of the Senate was escorted to the rostrum by the Sergeant-At-Arms.

---

**THE PRESIDENT:** Nominations are now in order for the office of the Assistant Secretary of the Senate of the 119<sup>th</sup> Legislature. The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you Mr. President, men and women of the Senate. I am pleased to nominate Judi DeFranco of Somerset for the office of Assistant Secretary of the Senate of the 119<sup>th</sup> Legislature.

**THE PRESIDENT:** The Senator from Kennebec, Senator **TREAT**, has nominated **JUDI DELFRANCO** of Somerset for the office of Assistant Secretary of the Senate for the 119<sup>th</sup> Legislature. The Senator may proceed.

Senator **TREAT:** Thank you. Men and women of the Senate. Judi has worked hard and accomplished a great deal in this position in the 118<sup>th</sup> Legislature. We will all benefit from her continued tenure in the 119<sup>th</sup>. Underneath the beautiful restoration of the Maine House Chamber are the underpinnings of a more modern legislature, the computer and data lines that will one day bring Maine fully into the computer era, particularly for the House and Senate. Several years ago, under the able leadership of our Senate Secretary, Joy O'Brien, the Maine Senate was wired and made ready, and in the past session it was the Assistant Secretary of the Senate, Judi DelFranco, who had the responsibility of making those bare wires work. As the official Senate Webmaster, a title that certainly is up there with Honorable Senator, Judi has been the key person putting the Senate on the World Wide Web. She has done a wonderful job translating what, for many of us, is computer mumbo jumbo into a practical tool that enhances our work and the effectiveness of the Legislature as a whole. I know that Judi is already working at plans to make the Legislature even more accessible to the public through our web page and information services. Judi bends over backwards to help us, not only negotiating the complexities of e-mail and the web, but making sure that our mailings go out to the correct postal routes, maintaining data bases, insuring that both are properly recorded, even guaranteeing that our scintillating debates are transcribed for posterity. She carries out a myriad of responsibilities that we really don't see from day to day. They happen and they happen effectively. We may not realize that Judi DelFranco is the one who is doing these things, making the Senate run smoothly. For all of these reasons I am very pleased to nominate Judi DelFranco to the position of Assistant Secretary of the Senate and hope that you will join with me in this. Thank you.

**THE PRESIDENT:** The name of **JUDITH M. DELFRANCO**, of Somerset, has been placed in nomination for the Assistant Secretary of the Senate for the 119<sup>th</sup> Legislature. The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President. I will very gladly second the nomination of Judi DelFranco.

**THE PRESIDENT:** The Senator from Kennebec, Senator **CAREY**, has seconded the nomination of **JUDITH M. DELFRANCO** of Somerset. The Senator may proceed.

Senator **CAREY:** Thank you Mr. President. Judi DelFranco has managed a staff which has been the most non-partisan staff that I have seen in these halls, which goes all the way back to the 1960's. I would say that she basically is the right arm of the Secretary of the Senate and stands ready to take the Secretary's place should something happen along the way that the Secretary may or may not be around. Obviously none of us want to see that. We deserve a continuation in that office that started sometime ago, but basically 2 years ago, which has a non-partisan staff as far as any one of us knowing which party they belong to, because they all serve us well in that office. Thank you.

**THE PRESIDENT:** The name of **JUDITH M. DELFRANCO** has been moved and seconded for the office of Assistant Secretary of the Senate. The Chair recognizes the Senator from Cumberland, Senator Amero.

Senator **AMERO:** Thank you Mr. President. I move that nominations cease and further move that one ballot be cast on the part of the Senate for **JUDITH M. DELFRANCO** of Somerset County for the position of the Assistant Secretary of the Senate for the 119<sup>th</sup> Legislature.

**THE PRESIDENT:** The Senator from Cumberland, Senator Amero, moves that nominations cease, and further moves that one ballot be cast on the part of the Senate in favor of Judi DelFranco of Somerset for the office of Assistant Secretary of the Senate of the 119<sup>th</sup> Legislature. Is this the pleasure of the Senate? It's a vote.

This being done, **JUDITH M. DELFRANCO** of Somerset County was duly elected Assistant Secretary of the Senate of the 119<sup>th</sup> Legislature. (Applause, the Members rising.)

---

Off Record Remarks

---

Senator **PINGREE** of Knox was granted unanimous consent to address the Senate off the Record.

---

On motion by Senator **PINGREE** of Knox, **RECESSED** until 1:45 p.m.

After Recess

Senate called to order by the President.

---

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

Senator **CAREY:** Mr. President. I am pleased to report that Judi DelFranco has, before the Governor, taken and subscribed to the necessary oaths of office to qualify her to enter upon the discharge of the duties of Assistant Secretary of the Senate of the 119<sup>th</sup> Legislature.

**THE PRESIDENT:** The Chair hears the message and thanks the messenger.

---

Off Record Remarks

On motion by Senator RAND of Cumberland, the following  
Senate Order: S.O. 2

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has organized by the choice of Mark W. Lawrence of York County as President, Joy J. O'Brien of Cumberland County as Secretary and Judith M. DelFranco of Somerset County as Assistant Secretary of the 119<sup>th</sup> Legislature.

**READ and PASSED.**

The President appointed the Senator from Cumberland, Senator **RAND** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

On motion by Senator AMERO of Cumberland, the following  
Senate Order: S.O. 4

ORDERED, that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years of 1999 and 2000 shall be referred for examination and report.

**READ and PASSED.**

Out of order, on motion by Senator PINGREE of Knox, the  
following Senate Order: S.O. 3

ORDERED, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature in the Hall of the House, for the purpose of electing a Secretary of State for the political years 1999 and 2000, a State Treasurer for the political years 1999 and 2000, and an Attorney General for the political years 1999 and 2000, at 2:00 in the afternoon.

**READ and PASSED.**

The Chair appointed the Senator from Knox, Senator **PINGREE** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Knox, Senator **PINGREE** reported that she had delivered the message with which she was charged.

**COMMUNICATIONS**

The Following Communication: S.C. 2

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE**

December 2, 1998

To the President of the Senate 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 Senators 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:

District 1

PARADIS, JUDY, Frenchville 9,157

District 2

KIEFFER, R. LEO, Caribou 6,093

District 3

MARTIN, STEPHEN J., Amity 2,151  
MICHAUD, MICHAEL H., East Millinocket 7,322

District 4

CASSIDY, VINTON E., Calais 6,230  
PRESCOTT, HAROLD A., SR., East Machias 4,202

District 5

GOLDTHWAIT, JILL M., Bar Harbor 9,949  
LANDERS, JANE FEHER, Ellsworth 3,086

District 6

BIGL, JOSEPH H., Bucksport 5,185  
RUHLIN, RICHARD P., Brewer 6,826

District 7

CATHCART, MARY R., Orono 6,777  
FISKE, ROBERT B., Old Town 3,357

LEGISLATIVE RECORD - SENATE, WEDNESDAY, DECEMBER 2, 1998

District 8

DAVIS, PAUL T., Sangerville 6,308  
 JONES, SHARON LIBBY, Greenville 5,088

District 9

MURRAY, ROBERT E., JR., Bangor 5,141  
 POOLER, ANNE, Bangor 4,136  
 REYNOLDS, MICHAEL L., Bangor 566

District 10

MITCHELL, BETTY LOU, Etna 8,181  
 SAVOIE, PAUL A., Kenduskeag 3,379

District 11

CRANDALL, THOMAS D., Belfast 4,106  
 LONGLEY, SUSAN W., Liberty 7,443

District 12

BERRY, BETHANY ANN, Rockland 903  
 JOHNSTON-NASH, MARTHA L., Camden 4,329  
 PINGREE, ROCHELLE, North Haven 7,736

District 13

MILLS, S. PETER, Cornville 6,431  
 SMITH, RICHARD K., Skowhegan 4,452

District 14

CAREY, RICHARD J., Belgrade 6,584  
 WEST, LOREEN COLFIN, Waterville 3,094

District 15

DAGGETT, BEVERLY C., Augusta 6,533  
 MOSS, WAYNE S., Augusta 3,992

District 16

KILKELLY, MARJORIE L., Wiscasset 8,994  
 SPEAR, ROBERT W., Nobleboro 6,450

District 17

BENOIT, JOHN W., Sandy River Plt. 6,240  
 KRAUSS, CHRISTINE, Wilton 5,846

District 18

STEBBINS, JUDITH I., Winthrop 4,319  
 TREAT, SHARON, Gardiner 8,654

District 19

LACOGNATA, ESTHER G., Topsham 5,166  
 SMALL, MARY E., Bath 7,857

District 20

NUTTING, JOHN M., Leeds 9,510

District 21

BERUBE, GEORGETTE B., Lewiston 8,329

District 22

DOUGLASS, NERIA R., Auburn 6,023  
 WINGLASS, ROBERT J., Auburn 5,541

District 23

EDMONDS, BETHEDA G., Freeport 5,389  
 HARRIMAN, PHILIP E., Yarmouth 7,984  
 WEINSTEIN, JEFFREY, Yarmouth 408

District 24

FERGUSON, NORMAN K., JR. 6,886  
 JAMISON, RODNEY J., Peru 4,245

District 25

BENNETT, RICHARD A., Norway 7,935  
 WHITTIER, DAVID Q., Hebron 3,628

District 26

KONTOS, CAROL A., Windham 7,713  
 MURRAY, E. STEPHEN, Cumberland 7,353

District 27

ABROMSON, I. JOEL, Portland 9,504  
 MARLEY, BOYD P., Portland 5,883  
 Others 55

District 28

BARON, ERICA L., Portland 2,171  
 RAND, ANNE M., Portland 8,291

District 29

CRAMER, LYLE B., Westbrook 5,796  
 O'GARA, WILLIAM B., Westbrook 6,528

District 30

AMERO, JANE A., Cape Elizabeth 8,255  
 BROMLEY, LYNN, South Portland 6,715

District 31

PENDLETON, PEGGY A., Scarborough 8,351  
 POIRIER, THEODORE M., Saco 4,819

District 32

LAFOUNTAIN, LLOYD P. III, Biddeford 8,996

District 33

BOLAND, ANDREA M., Sanford 4,657  
MACKINNON, BRUCE W., Sanford 5,203

District 34

COOPER, SEAN R., Newfield 3,800  
LIBBY, JAMES D., Buxton 8,118

District 35

JACKSON, LAWRENCE P., York 4,087  
LAWRENCE, MARK W., Kittery 7,974

I, DAN A. GWADOSKY, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Senators 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 REFERRED to the SENATE COMMITTEE ON SENATORIAL VOTE.**

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: S.C. 3

**STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL  
SERVICES  
BUREAU OF THE BUDGET  
58 STATE HOUSE STATION  
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: 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.

The Following Communication: S.C. 4

**STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
35 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0035**

June 30, 1998

The Honorable Mark W. Lawrence  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Lawrence:

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.**

At this point, a message was received from the House of Representatives borne by Representative SHIAH of Bowdoinham, informing the Senate that the House had organized by the choice of G. STEVEN ROWE, of Portland, as Speaker of the House, JOSEPH W. MAYO, of Augusta, as Clerk of the House, and MILLICENT M. MACFARLAND, of Augusta, as Assistant Clerk of the House of the 119<sup>th</sup> Legislature and was ready to transact such business as might come before the House.

The Following Communication: S.C. 5

**STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE  
AND FINANCIAL SERVICES  
BUREAU OF ACCOUNTS AND CONTROL  
14 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

July 23, 1998

The Honorable Mark W. Lawrence  
President of the Senate  
118<sup>th</sup> Legislature

The Honorable Elizabeth H. Mitchell  
Speaker of the House  
118<sup>th</sup> Legislature

Dear Mr. President and Ms. Speaker:

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.**

At this point a message was received from the House of Representatives, borne by Representative SAXL of Portland informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 2:00 in the afternoon for the purpose of electing a Secretary of State for the political years 1999 and 2000, a State Treasurer for the political years 1999 and 2000 and an Attorney General for the political years 1999 and 2000.

Off Record Remarks

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

After Convention

In Senate Chamber

Off Record Remarks

On motion by Senator PINGREE of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

**ORDERS**

**Joint Orders**

On motion by Senator PINGREE of Knox, the following Joint Order: S.P. 9

ORDERED, the House concurring, the Joint Rules of the 119<sup>th</sup> 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 I.

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 2<sup>nd</sup> reading or before the House in the 2<sup>nd</sup> 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.

**READ.**

On motion by Senator **AMERO** of Cumberland, Senate Amendment "A" (S-1) **READ.**

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

Senator **AMERO:** Thank you Mr. President, ladies and gentlemen of the Senate. This amendment would eliminate the provision that requires that all of the Governor's bills be recorded under the same cloture rules as the Legislature. I believe strongly that the Governor, being the only person in the State of Maine, elected in a statewide election, representing all the people of the State, should have the opportunity to present bills that he feels are important in a manner that he feels is timely. Requiring that the Governor go before the Legislative Council and receive six votes in order to present a bill that he feels is important for the State of Maine, is, I believe, an unnecessary and a restrictive policy. Tying, in many ways, the hands of the Chief Executive of our State. So, I feel very strongly that this proposed change in the rules should be eliminated. That from records that I have reviewed over the past few years that does not seem to be an abuse by the Chief Executive in any of the passed administrations in presenting bills in a timely manner to the Legislature. So, I would urge all of you to consider this amendment and to eliminate this new provision requiring the Governor to meet the same cloture standards as the Legislature. Thank you.

The Chair ordered a Division.

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

Senator **TREAT:** Thank you Mr. President, men and women of the Senate. I would hope that you would reject the pending amendment so that we can go on to adopt the rule as proposed by the Rules Committees. I was a member of that committee which met many times over the summer. It was a bipartisan committee and unanimously, in a bipartisan manner, determined that this was an appropriate change to the rules. We did have a lot of discussion about it. Although a huge number of bills have not come from the Governor in the very last days of the Legislature, there are a fairly significant number of bills that have, over the years, been presented by the Governor near the end of session. Frequently those are bills that are on issues of great importance and that are very complex. I can recall, myself, when I was chairing, and it was not with this, I was chairing the Human Resources Committee, which was dealing with the issue of welfare. There were a large number of welfare reform proposals. It was one of the most important issues before the legislature that year and the Committee was paralyzed because we spent many, many months awaiting a draft of a piece of legislation from the Executive. This rule would not prohibit the Chief Executive from providing legislative proposals to the Legislature. It simply says that after a certain deadline there are 2 approaches to go through. Either you go through the Legislative Council or, as any legislator may do, you seek a Joint Order which is simply a majority vote of the House and the Senate.

I have been doing some research on this. We did have a fair amount of information that was brought to the committee over the summer. I have been investigating this further and talking with the National Council of State Legislatures, and it is not unusual for legislatures to put restrictions on the timing of the offering of legislation. Many states do so. Maryland, the Maryland Senate has a deadline of the tenth day after convening the legislative session. There is a way out of it, as

there would be with this rule, which is a two-thirds vote of the members of the Senate. It specifically says that a bill cannot go through a legislative committee as a way of proposing it. I guess that's one of the ways that bills are proposed in Maryland. A Nevada Joint Rule says 10 days, again, after the legislative session convenes, otherwise it has to go through a standing committee that actually proposes the legislation. There is a December 20<sup>th</sup> deadline in New Hampshire in the Senate. The New York Senate says bills proposed by the Governor must be submitted no later than the first Tuesday in April. That is a deadline that they have, I believe they actually run all year round so that is probably a very early deadline compared to us. In North Carolina the House and Senate have deadlines. In North Dakota the alternative is, if it is not brought in before the deadline, then it must be approved by a majority of the Delayed Bills Committee, which is something we don't have. South Carolina has a deadline, South Dakota is one that, in fact, does not a deadline on Governor's bills. It is one of the only states that I was able to find that specifically says Governors can submit legislation at any time. Most states either have a specific provision saying the reverse or they are silent on it, so you don't know for sure whether there is some kind of understood rule that Governors can do whatever they want in this regard. The Texas Senate has a deadline and it is a four-fifths vote of the Senate if a bill is late to go beyond that deadline. Again, that is a much more difficult sort of exemption than we would have under this proposed rule without this amendment. Again, the current way it would work would be to go to the Legislative Council or a Joint Order, which is a majority of the House and Senate. West Virginia has a joint rule, 10 days after the start of session for all Governor's bills. It can be superseded by a two-thirds vote in each house. Both the House and Senate have to vote by a two-thirds vote in order to go beyond that. Wyoming has provisions as well.

Nothing in this rule says that the Chief Executive, the Governor, may not present legislation to the Legislature. What it says is that the Legislature does not have to consider every piece of legislation that comes before us. That's appropriate. There is a lot of talk in materials that I have seen from the Governor's Office on separation of powers. Just as the Executive Branch is a separate branch of government, so is the Legislature. We have it within our authority to order what we do on a schedule that makes sense for us. I think this is appropriate. We spent a lot of time discussing it and did come to the unanimous conclusion that it made sense. So, I would urge you to reject the amendment before you. Thank you.

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

Senator **BENNETT:** Thank you Mr. President, fellow Members of the Senate. I rise in support of the amendment offered by my colleague, the good Senator from Cumberland, Senator Amero, for basically 3 reasons. The first is that I'd like to add 1 item, or 1 method to the list of 2 that the previous speaker, the good Senator from Kennebec, Senator Treat, offered, which is that the Governor, under this proposed rule, the change, not the amendment, but the change which is before us, and really is the heart of this, should we put cloture on the Governor. The Governor, in addition to the 2 that Senator

Treat suggested, has a third option. That is clearly laid out in the Constitution, and that option is to pull us into special session in order to get us to attend to a particular piece of business that he or she thinks is important for us to attend to. I think it's a very impractical one on the face of it, but one which we may be pushing the Governor toward if we do not amend these proposed rules in the fashion that Senator Amero of Cumberland suggests.

My second point is if we are truly concerned about the efficiency of the process and making sure we have ample time to discuss issues and to debate them within committee and work their way through this process, I don't think the focus should be on the Governor. The focus should be within, because time and time again, in the most recent session which I had the privilege of serving in, I saw committees impose upon themselves some of the most artificial and ludicrous deadlines of action I have ever seen. When you have 25 bills heard and worked in a single day, it serves not the public nor the process in any meaningful fashion. So, perhaps first I would consider that we, as a group, have more credibility with the public on this change if we looked within first.

My third point, and perhaps the most important, is that this bill does not, and by this I mean the rules as written and proposed before us without the amendment offered by Senator Amero, these rules do not empower the legislature versus the Chief Executive. This change empowers 10 members of the legislature. It empowers the Legislative Council and I am very pleased to be a new member of the Legislative Council and perhaps I should like this for that reason, but it gives me great consternation to think that 10 members of the Legislative Council are going to have the ability, or just a simple majority of those 10 members are going to have the ability to decide which Governor's bills get through and which do not. Any group of that could impose certain requirements on the Governor on a particular bill in order to insure their support to get it into the Legislature and I do not think that's healthy. It may not be a partisan block that tries to do that, it may be a geographic block. We have heard a lot of concern in the press and the media about the makeup of the Legislative Council and how, perhaps, northern Maine isn't represented and frankly I don't give that a lot of credence because I think the way we construct this north/south Maine split is appropriate. But, I do think that there is a perception there and that perception could be turned into reality if we empower 10 people in this Legislature to do that. So, I would hate to see the Governor put in legislation after deadline with certain perks in the legislation to ensure votes on the Legislative Council. I think that should be done in the legislative process. So, for those reasons, I urge you to adopt this amendment and reject the cloture requirement of the Governor. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you. I also rise to support the proposed amendment. I have not had opportunity to hear the debate referenced by some in this body regarding this issue in great detail and I am sorry for that, but as I try to puzzle through this, having only been thinking about it for a brief

period of time, the first question that occurs to me is what's broken? We seem to agree that there has not been an egregious abuse of gubernatorial power by this Chief Executive or his predecessors regarding late submission of complicated bills. So, I'm wondering why we have this issue before us now. The route of a bill submitted by a Chief Executive is one that is sometimes advantageous to members of the legislature, and also to other agencies where a legitimate issue may come up long after cloture, but probably none of us would agree that it should be deferred to a subsequent year. I think that that is a route that should be left with ready access for a bill from the Chief Executive. We have the power, in this Legislature, to kill any bill that we want to anyway and I'm certain if a major change in the school funding formula were submitted in the last 2 days of the session, it would not fare very well in that committee. So we already have the ability to deal with bills that seem to come at a time when we don't have the opportunity to consider them thoroughly and it is a method of exercising our legislative authority that involves many more of us than simply sending a Governor's bill proposal to the Legislative Council.

The other factor which makes me think this is a good amendment to support is that this is likely to apply to bills that are proposed rather late in the session. Midpoint or so, and it is also the time at which, despite all of our new year resolutions to say that we hope that this will be the legislature that sets the standard for nonpartisan teamwork, and I trust and truly believe that that will be the case from what I have seen and heard today, but it is the time in the session when things are beginning to get more contentious, temperatures are beginning to rise and it does not seem to me to promote the credibility of this body, or indeed, all of state government, in the eyes of the state, to be having the Chief Executive in any period of time put in a position where he or she is battling out with a 10 member group of this and the other body to decide whether a bill can even be considered. It seems to me that for all of those reasons that it is a proposal whose time has not come and I hope you will join me in supporting the pending motion. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Mr. President, ladies and gentlemen of the Senate. Just a couple of further points. It is actually only 5 members of our 2 respective chambers that could prevent the other 176 of us from considering a piece of important legislation that is presented by the executive. So, any 5 members of the Legislative Council could cut off the Governor's access to introducing legislation that may well have an emergency flavor to it. Secondly, consider the newly elected executive. The Governor who is elected in the first week of November, who must, by the third week of December, somehow, even if he doesn't have his department heads selected or even interviewed yet, he must somehow have his budget all put together, and have his entire legislative program presented for the next two years. He has 6 weeks, with no staff, to present his entire political agenda to the legislature for the next two years. That's cruel, no matter who the Governor is. I wouldn't wish that on a member of the opposite party. Thank you.

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

Senator **TREAT:** Thank you Mr. President, men and women of the Senate. I did want to make a clarification concerning the comments made by the previous speaker, Senator Mills of Somerset. There is a difference in the rules. If you take a look at the rule, which is on page 23 of your calendar, the section 2 of that rule says deadline when Governor is newly elected, it does give an additional amount of time, within 30 days after the Governor is administered the oath of office, which you still may find to be brief, but it is significantly longer than what you may have been under the impression of. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose her question.

Senator **SMALL:** I'm looking, both in the previous rules, the Constitution, and this and I just can't find it, but what is the provision during a special session for the Governor to be able to propose legislation?

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

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

Senator **BENNETT** of Oxford moved to **TABLE** until Later in Today's Session, pending the motion by Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "A" (S-1) (Roll Call Ordered).

Senator **PINGREE** of Knox requested a Division.

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **TABLE** until Later in Today's Session, pending the motion by Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "A" (S-1), **FAILED**.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President and Men and Women of the Senate. I don't know whether it's a lack of interest in my question, or the fact that the person who has done the research was not in the Chamber when I posed it, but again, I guess I would just like to know, if there is a special session does the Governor have the ability to put in legislation or would he again have to go through the Legislative Council in order to do that? If someone doesn't know that then perhaps we could table this for a time certain so that we can

get an answer or maybe find out what other states do with it or whatever.

**THE PRESIDENT:** The Senator from Sagadahoc, Senator Small, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Treat.

Senator **TREAT:** Thank you Mr. President. In response to the question from the good Senator from Sagadahoc, Senator Small, the only change made in this rule is the change to the current rules regarding regular sessions. Whatever rule currently applies to special sessions would be the rule that applies in the future if this rule is adopted. So, if the Governor is, in fact, able to submit legislation in a special session now, then he could continue to do so after this change, as I understand it.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Small.

Senator **SMALL:** Thank you Mr. President. I'm not sure that that would be the case. Perhaps I can pose a question to the ruling authority in the Senate and you could clarify what is the current status and what would be the status of the Governor's ability to put legislation in for a special session.

**THE PRESIDENT:** The Senator from Sagadahoc, Senator Small, has posed a question to the Chair. The Senate will be at ease pending a ruling of the Chair.

---

Senate at Ease.

Senate called to order by the President.

---

**THE PRESIDENT:** The answer to the question of the Senator from Sagadahoc, Senator Small, is that during a special session the Governor would call the special session for a certain purpose, as he does submit legislation, that legislation would require a legislative sponsor in order to be introduced in that session, and as with all legislation in a special session it would have to go through the Legislative Council.

The pending question before the Senate is the motion by Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "A" (S-1).

A vote of Yes will be in favor of Adoption of Senate Amendment "A" (S-1). A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#2)**

**YEAS:** Senators: **ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL**

**NAYS:** Senators: **BERUBE, CATHCART, DAGGETT, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

**ABSENT:** Senators: **KIEFFER, MICHAUD**

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **AMERO** of Cumberland to **ADOPT** Senate Amendment "A" (S-1), **FAILED**.

On motion by Senator **MILLS** of Somerset, Senate Amendment "C" (S-3), **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Mr. President, men and women of the Senate. The proposed rule as redrafted in our book does address an issue that I, too, am concerned about. The rule, as it appears in the proposed Joint Order, would require that those in the minority position on a committee, a policy committee, would have the obligation of presenting the minority report at the time when the vote is taken on the bill. So that there would be no time left for the minority members of the committee, those in the minority, to regroup and formulate what they wish to propose as an alternative to the majority's position. That regrouping, that reformulation, that rethinking would have to be done before, in many cases, before you even have the work session discussion on the issues, or during the work session discussion on the issues. And if you find yourself in the position, as so many of you in the other party will find yourselves, in serving on 2 committees, all of you, and you're not present for the work session on 1 of your committees, and you come back, as the rules permit, to vote on a bill that night, or the next day, you may find yourself, you may be able to vote no or yes on a position, but you will find yourself completely foreclosed from formulating a minority report or a minority position. I was on the Rules Committee a couple of years ago and we thought there was a problem about people hanging on to minority positions and delaying the release of bills because they said they were still working on their magic minority solution to this conundrum and we'll have it for you next week and whatever. I don't disagree that we should pass a rule that deals with, dare I use the word, dilatoriness. But I think the solution lies in getting the minority report back to the committee in a prompt way and setting some deadlines on that process. I think in our committee rules last session we addressed this problem by requiring that people get their minority committee report back at the next work session, or the next meeting of the committee. There was a real value to bringing it back to the committee. You may remember that, I think it was 2 sessions ago, 2 legislatures ago, sometimes a minority report would be

disclosed for the first time when the bill hit the floor. In other words, the minority would go off in a corner to configure its own little conception of how the problem ought to be addressed and the rest of the committee would never hear about it. I thought that that was not right and I think that many of us on the Rules Committee last term tried to solve that problem by requiring that the minority position be brought back to the committee. It was a good rule because many times, when that minority position was brought back, we were able to solve the problem and come out with a unanimous report, either by incorporating some elements of the minority position or, on some occasions, by switching over to the minority presentation once we had seen it. I would propose that we have a Joint Rule, as you see it crafted in this Senate Amendment "C", which would require the minority to make its presentation at the very next meeting of the committee, even if it's a public hearing, but at the very next meeting of the committee provided that there is at least a 24 hour period between the vote and that next meeting. Essentially, most committees meet every other day, not every day, so essentially at the next meeting of the committee the minority would have to have its act together, number one.

Number two, it would be obliged to make its presentation to the committee as a whole so that we wouldn't have the problem that we were confronting 4 years ago about the minorities doing things in secret. So, it would appear to me that Senate Amendment "C" would address, I think very adequately, the dilatoriness issue that people were concerned about in the drafting of the proposed rules, but at the same time, not adopt a rule that would operate in a draconian way to cut off completely, the rights of those who may have a minority position that will have some sway over the other members of the committee. I think it would, frankly, be less of a problem for those of us in the minority because many of us will not be serving on 2 committees, but those of you in the majority are going to be all over this building, trying to accommodate 2 committee schedules and I think it will serve your interest, frankly, to have a rule that would give you a day or 2 to get your position articulated in case you find yourself in the minority on a particular position or a particular bill. For those reasons I urge your adoption of Senate Amendment "C" as a solution to this common problem. Thank you.

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

Senator **TREAT:** Thank you, Mr. President. I guess I would state at the outset that I do have some concerns about this proposal in that it appears to, in every single case, delay reports coming out of committee by at least 24 hours, even if all members of the committee are present in the committee room and all members of any minority already know what they are going to do, and have announced it at that time. That is a bit of a concern to me, especially thinking of issues that have been before the committee for some time that got wrapped up near the end. I understand your concern about someone who may be out of the room and unable to come back at a time, the way the rule would work and we did discuss this in the Rules Committee is that there would have to be a vote of reconsideration in order to have a second opportunity to present a different minority report, or to have an opportunity to vote on that minority report. I realize that depends on some

goodwill on the part of a committee to have a vote of reconsideration in order to do that, however, this is the way that many committees are working right now. I know that our Natural Resources committee, last year this is exactly how we ran the committee and there was no difficulty whatsoever. You still have the opportunity to postpone your vote if you are not in the building, in which case you have the opportunity to come back and say I'm a minority and reopen the issue at the next committee meeting. I understand the problem you are getting at, my concern is that your rules proposal is overbroad, I think, and will bring into it situations that don't need to be fixed. Perhaps there is a more appropriate way to deal with a problem that might not cause that. I guess that is my concern and I thought it was a question, but perhaps it's just a concern, that your rule is really overbroad and it's somewhat likely to mess up a committee that is moving along very well and getting decisions made and forcing it to simply postpone its work for a couple of days.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** There is certainly no intent in what we drafted to foreclose the committee from acting forthwith, and in that I will agree with you. On many, many, occasions the minority knows exactly what it wants to do, and on many occasions is prepared to articulate its position in the course of debating the bill in the work session. Having done that, then the drafting should proceed and be done with. I didn't intend, and I'm not sure that the proposed amendment requires that there be automatically a delay in releasing the bill. However, there is a delay in holding the bill for purposes of voting when there is an absent member. We have that delay built into the rules even as they are proposed in the original Order. I don't think that this language would automatically require that a bill be held, even when the minority has presented its position. If that's the case I would be very glad to see your suggestions for redrafting at some point, but I think that the intention of this language is reasonably clear and that is it's when the minority is not prepared to make its presentation at the first work session on the bill, which is typically where you may have vote. It builds in a delay only when it is necessary that it be taken. I don't see that it deprives the committee of the opportunity to release the bill forthwith if both positions, or three positions, are articulated at the work session.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Longley.

Senator **LONGLEY:** Thank you Mr. President, Men and Women of the Senate. I guess this comes down to the "fish or cut bait" motion. For that reason, basically we have all been talking in committee, we've been spending time and are focused on that issue, it would seem that if nothing has gelled when we are all looking at that issue, then I just think you "fish or cut bait". Point one.

Point two, if there is honest uncertainty, and we have all seen where there's an agenda, and I'm as guilty as everyone else here, where we want to put off, for whatever reason, and put it off as long as we can, to stall the process, maybe something will happen, a light will come on upstairs and we will come up with an idea. I honestly think, in those genuine situations, and

I think the good Senator from Somerset would agree, that courtesy is the ethic, and I think that a move to table to accommodate that group that hasn't been able to gel any ideas upstairs is something that I hope that all of us would abide by. Number one, either "fish or cut bait" and move the bill forward, especially if you have had the chance to discuss some focus when it's fresh in everyone's mind, and number two, if that doesn't happen then rather than a rule, just an ethic of courtesy would seem to be a way out of this problem. Thank you.

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

Senator **TREAT:** Thank you Mr. President. If I might just comment on reading this amendment to the good Senator from Somerset, Senator Mills, I think the amendment, as you have drafted it, clearly says "except as provided in subsection five." Which is the section dealing with when you are out of the building and not in the room to vote. It says, "except as provided in subsection 5, the minority committee report must be voted on as the first order of business at the next meeting of the committee, but no less than 24 hours after the vote on the majority report." Which means that a committee with everyone there still has to wait at least 24 hours in order to get its business done. That, I believe, is how it is drafted, quite clearly drafted that way and I don't think it will work. I hope people will reject this. We did work hard on the original proposal. It does have an escape hatch for people who aren't there which is the same escape hatch that we have right now which is you can take some time to vote, and I believe it will work. Thank you.

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

Senator **MURRAY:** Thank you, Mr. President, men and women of the Senate. I raise, I guess, a concern that falls in the category of a logistical problem, perhaps, as this amendment is drafted, but it's a very serious one in my opinion and I just want to point it out to you in case it's a issue for you. As I read this amendment, a requirement of this proposal is that as a first order of business at the very next meeting of that committee, this issue of a minority report has to be taken up as the first order. Now, as I read that, the issue would then come up, oftentimes, at a public hearing. Oftentimes, the next meeting that follows a work session is a public hearing in that committee, and as I read this rule the first order of business under the Joint Rules would be this work session vote again on the minority report. Now, if we were limited to simply voting on that minority report, whatever it might be, that logistically could be something that could happen and could happen in a matter of five to ten minutes. However, I don't think it's good public policy, and I don't think it's practical to suggest that a minority report, that is now being presented again to a committee for consideration, is simply going to be voted on without consideration and a presentation, at least, by those members supporting the minority position before the committee. What that yields, then, is a further discussion and a reopening of the debate on this "work session" type atmosphere in the middle of, or in front of a public hearing. One thing that I don't think this body or this institution needs, is a black eye with the public who has

traveled from, perhaps, Fort Kent, perhaps Bangor, perhaps Kittery or perhaps even Augusta to make a presentation on a public hearing on a bill that has been published for at least two weeks in a newspaper, to be presented with, upon arrival, a debate on a bill that is not even posted, the minority report on that bill that may take up five minutes, or ten minutes, or it may take up an hour and a half or it may take up the afternoon. I don't think our rules ought to be suggesting an approach like that and the way I read this rule this is precisely what this does. For those reasons I would urge you to oppose this pending amendment. Thank you.

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

Senator **BENNETT:** Thank you Mr. President, men and women of the Senate. Like many other speakers before me I think I am very confused by which request to speak button I am supposed to press. Maybe at the end of the night, or a little bit later, the presiding officer can settle that issue. Right now I would like to address this other issue which is before us, which is the pending amendment. Frankly, I can see some legitimacy and I can see some of the purpose behind this well meaning attempt to improve our legislative process. I think we try, in our search for solutions, we tend to over simplify and place our own experiences as a template against our deliberations. The problem here is that we all know that different bills require a different approach. I can tell you, from my service on the Appropriations Committee during the last Legislature, there are some bills which came before us which were a "fish or cut bait" sort of bill. The lines were clearly drawn, the options were obvious, you had to pick 1 of 2, 3 or 4 sides and we could move the issue ahead. But there were other issues, more complex issues, more complicated ones, where I have seen caucuses, and not just Democratic and Republican caucuses, but caucuses of likeminded people on a particular issue, come together and before a meeting, figure out exactly what they are going to do, the approach they are going to take, they go to the committee meeting, they're all ready, but the rest of the people, the minority with the other viewpoint, may not be. I saw that, for instance, in a partisan way, in the budget debates in the last session. Often we didn't know exactly when the date and the time was going to be to come up with a minority report on the budget, which is a significant and complex document, and thankfully because of the leadership of the chairs at the time, and the general spirit of the committee, and I particularly recognize the Senator from Penobscot, Senator Michaud in attempting to accommodate us, we did it in a cooperative spirit and I agree wholeheartedly with the Senator from Waldo, Senator Longley, that at its essence, in this building, it comes down to good will and a good ethic. However, the reason we have a Bill of Rights in the U.S. Constitution is you cannot always rely on goodwill and good ethics, it has to be backed up by something a little more substantive. I think in this case we are looking at fixing a problem in a way that I am very concerned doesn't truly fix the problem, and if it does, it may create new problems in its own way. I would really counsel this Legislature, regardless of what we do with this pending amendment, to take a look at this issue before it is set in stone and is extremely difficult to change, and try to accommodate the great vast array of circumstances which committees find themselves in, before we take ultimate and final action on the issue of minority

reports. With that, I would ask you to adopt this amendment as an intermediary step in doing that. Thank you.

Senate at Ease.

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

Senate called to order by the President.

Senator **HARRIMAN:** Thank you Mr. President. Good evening ladies and gentlemen of the Senate. I would just like to add to this debate, if I could, in support of my good friend from Somerset, Senator Mills', amendment. To do that I would like to share with you the experience I had dealing on the Utilities and Energy Committee where, as I am sure you are now well aware, major public policy changes are about to unfold for the public as it relates to electricity and still more changes in telecommunications and soon to be natural gas pipelines and so forth. In that context I would like to suggest that, as you might agree, those issues were very complicated and had many dimensions to their process. Oftentimes our committee was, under the good leader of the good Senator from Kennebec, Senator Carey, able to sort through many of those complex challenges we faced. Yet there were times when we could not reach consensus and the minority members of the committee would go off with the analyst and craft their own language and put out their own bill and many of us, who were on the majority side of the issue, looked at it and said "gee, if we had only known, we could have put it into the bill and had a unanimous report." That didn't always happen, so what normally would happen is we would have to reconsider, the chair would have to take up more time to recraft the bill, the analyst would have to spend more time and on and on I could go. But, more importantly than that, there were times when the bill left the committee, came back to you in the Senate, and then we would discover common ground and we would have to put the process through amendments, reconsiderations and so forth. While that may not be overwhelmingly convincing to you, I hope it would add to your consideration that the amendment before you makes a lot of sense. It's an opportunity where committees know the information the best, care about good legislation the most, who have the best expertise available to make good decisions and the Senator from Somerset, Senator Mills, amendment is a valiant attempt to accomplish what we all want, which is to have a productive and efficient legislative process where decisions are best made, in my view, by the committees who have dealt with these issues in far greater detail than most of us would be able to. I thank you very much Mr. President, for this opportunity, and I hope you will consider supporting the amendment before us. Thank you.

Off Record Remarks

On motion by Senator **PINGREE** of Knox, Senate Amendment "D" (S-6) **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you, Mr. President. This is an issue whose policy we have already debated and voted on twice. This merely is a clarification of the language that makes it perfectly clear, using the language that a legislator may not submit, since all of the Governor's bills do come through a legislator.

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

Senator **BENNETT:** Thank you, Mr. President, fellow members of the Senate. I'm very concerned that this amendment may confuse the issue a bit more. First of all, I don't think it has the same effect that the original language in the proposed rules has. For one thing, it's much more restrictive of the Governor. I think now, the rules have, or the proposal as put before us without the amendment would require the Governor to submit the legislation by a certain deadline, and this requires legislators to submit the legislation by that deadline. Current practice would have the Governor submitting legislation without necessarily identifying sponsors by that deadline. My concern is that this actually makes it more restrictive. I have a particular question, which I would like to pose through the Chair to anyone who may wish to respond. Would someone explain to me and the rest of the Senate what the words "on behalf of the Governor" actually mean in a legal and procedural sense? Thank you.

**THE PRESIDENT:** The Senator from Oxford, Senator Bennett, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Ruhlin.

The Chair ordered a Division. 14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **ADOPT** Senate Amendment "C" (S-3), **FAILED.**

Senator **RUHLIN:** Thank you Mr. President, men and women of the Senate. Only an elected member of the Legislature may, in fact, submit legislation to the legislature. The legislature Governor, from time to time, does, in fact, ask legislators to act in his behalf by submitting legislation that he has an interest in and proposals to bring forward to this Legislature. In which case, he has that legislation prepared, goes to the legislator and asks that legislator to please sponsor that legislation for the Executive branch of government. That is how a piece of legislation, sponsored, so called, by the Governor, moves forward into this Legislature. In fact, no legislation can come before this body or the other

On motion by Senator **BENNETT** of Oxford, Senate Amendment "B" (S-2) **READ** and **ADOPTED.**

Off Record Remarks

body unless it is, in fact, sponsored by an elected member of one of these two chambers. I hope that clears up the question for the good Senator.

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

Senator **CAREY:** Thank you, Mr. President. I would say that we have had an excellent working relationship as the majority party, with the Governor. I do not want to endanger the position that we have had. We have heard about being more non-partisan in our actions and I will be voting against anything that restricts the Governor's ability to put something before this body.

The Chair ordered a Division.

Senator **PINGREE** of Knox requested a Roll Call.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ADOPT** Senate Amendment "D" (S-6). (Roll Call Requested).

---

Senate at Ease.

Senate called to order by the President.

---

**ORDERS OF THE DAY**

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

**JOINT ORDER** - relative to the Joint Rules of the 119<sup>th</sup> Legislature S.P. 9

Tabled - December 2, 1998, by Senator **PINGREE** of Knox.

Pending - motion by same Senator to **ADOPT SENATE AMENDMENT "D" (S-6)** (Roll Call Requested)

(In Senate, December 2, 1998, **READ**. On motion by Senator **AMERO** of Cumberland, Senate Amendment "A" (S-1) **READ** and **FAILED**. On motion by Senator **MILLS** of Somerset, Senate Amendment "C" (S-3) **READ** and **FAILED**. On motion by Senator **BENNETT** of Oxford, Senate Amendment "B" (S-2) **READ** and **ADOPTED**.)

Senator **PINGREE** of Knox requested and received leave of the Senate to withdraw Senate Amendment "D" (S-6).

On motion by Senator **AMERO** of Cumberland, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#3)**

**YEAS:** Senators: **BERUBE, CATHCART, DAGGETT, DOUGLASS, KILKELLY, LAFOUNTAIN, LONGLEY, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

**NAYS:** Senators: **ABROMSON, AMERO, BENNETT, BENOIT, CAREY, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL**

**ABSENT:** Senators: **KIEFFER, KONTOS, MICHAUD**

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, **PASSED AS AMENDED BY SENATE AMENDMENT "B" (S-2)**.

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

---

On motion by Senator **RAND** of Cumberland, the following Senate Order: **S.O. 10**

**ORDERED**, the Senate Rules of the 119<sup>th</sup> Legislature are as follows:

**SENATE RULES**

**119<sup>TH</sup> LEGISLATURE**

**Part 1**

**General Provisions**

**Rule 101. Title of Senator.** The President, when speaking to any member of the Senate, and the members, when referring to each other in debate, shall use in their addresses the title of Senator, and by way of distinction name the county in which the Senator resides.

**Rule 102. Lobbyists banned from member's desk.** At no time may a registered lobbyist be at the desk of any member. A registered lobbyist may not directly initiate communication with any member in the Senate chamber while the Senate is in order, except that a registered lobbyist may send a note to a member through the Senate chamber staff requesting that the member meet with the lobbyist at the back row of chairs in the Senate.

**Part 2**

**President and President Pro Tempore**

**Rule 201. Duties and powers of the President.**



**1. Duties.** The President shall:

- A. Take the chair at the time to which the Senate has adjourned and, after the appearance of a quorum, cause the journal of the preceding day to be read;
- B. Address the Senate when speaking;
- C. Appoint all committees, a Sergeant-At-Arms, a postmaster, a president pro tempore to perform the duties of the Chair during the President's absence and chamber staff, unless the Senate otherwise directs. The President may rescind these appointments at any time;
- D. Authenticate by the President's signature bills that have passed to be enacted and resolves that have finally passed.
- E. Appoint the Committee on Bills in the Second Reading and the Committee on Engrossed Bills. Each committee consists of 4 members. Any one member of either committee constitutes a quorum of that committee. The Revisor of Statutes is the clerk of the Committee on Bills in the Second Reading;
- F. Enforce the observance of order and decorum;
- G. Decide questions of order without debate within 7 legislative days;
- H. Appoint the Committee on Conduct and Ethics which is comprised of 5 members. At least 2 of the members must represent the political party that has the greatest number of members in the Senate, and at least 2 of the members must represent the political party that has the next greatest number of members in the Senate;
- I. Rise to put a question and declare all votes, but if any Senator doubts the vote, all those voting in the affirmative, when called upon by the President, shall indicate electronically how they wish to be recorded or rise and stand until they are counted, and also those in the negative, in like manner, as directed by the President, to make the vote certain; and
- J. Vote in all cases, unless excluded by interest.

**2. Powers.** The President may:

- A. Name a Senator to perform the duties of the Chair;
- B. Appoint a temporary Secretary of the Senate and a temporary Assistant Secretary of the Senate to fill any vacancy that may occur in those offices while the Legislature is not in session and to serve until the Senate elects a Secretary or Assistant Secretary. The election must occur within 60 days of the vacancy; and
- C. Appoint legal counsel.

**Rule 202. Duties of the President pro tempore.** The President pro tempore shall:

**1. Preside over the Senate.** Preside at the time to which the Senate has adjourned when the President is absent; and

**2. President assumes office of Governor.** When the President assumes the office of Governor, exercise the powers and duties of the office of President until the vacancy in the Senate created by the President's succession to the office of Governor is filled, the Senator so elected is seated and a President is elected.

**Part 3**

**Secretary**

**Rule 301. Duties of the Secretary.** The Secretary shall:

**1. Presiding officer.** Preside until a President pro tempore is chosen when the President pro tempore is absent;

**2. Numbering of bills and resolves.** Number any bills and resolves in the order in which they are reported by the Committee on Bills in the Second Reading, and enter them upon the calendar in that order;

**3. Messages.** Carry all messages from the Senate to the House and to the Governor unless the Senate directs some other mode of transmission. All papers must be transmitted to the Governor, the House, and the Secretary of State under the direction of the Secretary or the Assistant Secretary;

**4. Senator order or joint order.** Forward a copy of each Senate order or joint order requiring action by any department, bureau, commission, board or agency of the State that is passed by both chambers of the Legislature to the department, bureau, commission, board or agency immediately after the adjournment of the legislative day in which the order was passed by the concurring chamber of the Legislature; and

**5. Questions of order.** Enter on the journal the decision on a question of order.

**6. Salary and Benefits of Senate employees.** The Secretary of the Senate shall certify vouchers of the officers and employees of the Senate to the Executive Director of the Legislative Council.

Salary and benefit information regarding Senate employees is public information and when requested must be provided within a reasonable time by the Secretary of the Senate.

**Part 4**

**Members**

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

**1. Member may not speak.** A Senator may not address the Senate until recognized by the President. When a Senator speaks, the Senator shall stand in the Senator's place and address the President.

**2. Speak more than 3 times.** If there is objection, a Senator may not speak more than once on a question to the exclusion of any other Senator without leave of the Senate. If the Senator is the mover of the matter under debate, then the Senator may speak 3 times without leave.

**3. Duty to vote.** Every Senator who is present shall vote unless excused by the Senate, or excluded by interest. The President may excuse from voting members who are absent from the chamber to conduct legislative business or for other extraordinary occasions

**4. Roll call.** Once the Secretary of the Senate commences with a roll call, all Senators must remain seated until the vote has been announced.

**5. Question put to vote.** A Senator may not speak on a question after it is put to vote.

**6. Pairing of votes.** A member who is absent by leave of the presiding officer and who has notified the presiding officer of the member's intent to pair the member's vote may join in voting for or against a measure with another member present at the time of the vote who stands on the opposite side of the question, provided that the absent member has submitted in writing the request for pairing and has received approval in writing by the President. The vote of the absent member and the member with whom that member is paired does not become part of the total number of votes causing passage or rejection of the measure.

**7. Present bill.** Members or members-elect who present a bill, resolve or a petition shall place their signatures on the bill, resolve or petition and a brief descriptive title of its contents.

**8. Exchange seats.** Members of the Senate may exchange seats with permission of the President.

**9. Absent from Senate.** A member may not be absent from the Senate without leave, unless there is a quorum left present.

**10. Paid representative.** A member of the Senate may not act as a paid representative for any party before the Legislature or any legislative committee.

## Part 5

### Proceedings and Debates

**Rule 501. Motion to adjourn.** A motion to adjourn must always be first in order, and it must be decided without debate.

**Rule 502. Motions and concurrence.** The following rules apply to motions and questions of concurrence with the House.

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

- (1) To adjourn;
- (2) To reconsider;
- (3) To lay on the table;
- (4) To commit;
- (5) To amend; or
- (6) To postpone indefinitely.

These motions have precedence in the order in which they are arranged.

Questions of concurrence or otherwise with the House have precedence over each other in the following order:

- 1<sup>st</sup>. To recede;
- 2<sup>nd</sup>. To concur;
- 3<sup>rd</sup>. To insist; or
- 4<sup>th</sup>. To adhere.

**Rule 503. Consideration of motion.** A motion must be reduced to writing, if desired by the President or any Senator, and is then considered to be in possession of the Senate, to be disposed of by the Senate, but the mover may withdraw it at any time before a decision or any amendment is made to it.

**Rule 504. Germaneness.** An amendment must be germane to the proposition under consideration. An amendment proposing to establish a general provision of law upon a private and special bill or beyond the second degree is not in order.

**Rule 505. Printing and distribution of amendments.** An amendment to a bill or resolve may not be acted upon by the Senate until the same has been printed and distributed to the members under the direction of the Secretary of the Senate, unless the amendment bears the recommendation of the Committee on Bills in the Second Reading that the printing be dispensed with. All amendments filed with the Secretary of the Senate for printing must bear the signature of the member filing the amendment.

**Rule 506. Reconsideration.** A proposed amendment may be amended before it is adopted, but not afterwards, unless the vote adopting it is first reconsidered.

When a motion has been made and carried in the affirmative or negative, it is in order for any member of the Senate 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. When a motion for reconsideration has been decided, the vote may not be reconsidered. A motion to reconsider is not in order more than once on the same question. 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.

When a member of the Senate moves or gives notice of intention to move a reconsideration of any vote, the papers to which the motion relates remain in possession of the Secretary until the question of reconsideration has been decided, or the right to move the question is lost. All matters acted upon must be held in the Senate for at least 30 minutes after adjournment unless sent forthwith or held for reconsideration by a member.

A motion to reconsider takes precedence over all other questions except a motion to adjourn. However, if a motion to reconsider is made while another question is pending, the motion to reconsider may only be entered and may not be put until the other question is disposed of.

**Rule 507. Questions of order.** If an appeal of a decision of the President on a question of order is taken, the question of order may be debated like other questions.

**Rule 508. Question divided.** A question containing 2 or more propositions capable of division must be divided whenever desired by any member.

**Rule 509. Papers read once.** Every paper must be read once at the table before any Senator is obliged to vote on the paper. If a Senator objects to a reading of a paper that has already been read to the Senate, the Senate must determine the question.

**Rule 510. Second reading.** All bills and resolves in their second reading must be committed to the Committee on Bills in the Second Reading to be examined and corrected.

After the Committee on Bills in the Second Reading has reported to the Senate that its examination and correction of a bill or resolve has been completed and that bill or resolve has been read by the Secretary, any member of the Senate may request that the bill or resolve be read and considered by paragraphs. This request may only be made before the question is put on passage of that bill or resolve. A bill or resolve may not have a second reading unless a time not less than one hour after the first reading is assigned for the second reading.

A resolve of any kind, or an order making any grant of money, lands, or other public property may not be passed without being read on 2 several days; the time for the second reading must be assigned by the Senate.

**Rule 511. Enactment of engrossed bills.** A bill or resolve may not pass to be engrossed until the bill or resolve has had 2 readings. All bills and resolves, immediately after being engrossed, must be committed to the Committee on Engrossed Bills to be examined; if found by the committee to be truly and strictly engrossed, and before any bill is passed to be enacted or any resolve is finally passed, the title of the bill or resolve must be read.

**Rule 512. Order of business.** After the reading of the journal, the following is the order of business:

1<sup>st</sup>. **House Papers.** Papers from the House

2<sup>nd</sup>. **Messages and documents.** Messages and documents from the Governor, heads of departments and others;

3<sup>rd</sup>. **Documents requiring reference to committee.** Reception of petitions, bills and resolves requiring reference to any committee;

4<sup>th</sup>. **Orders.** Orders;

5<sup>th</sup>. **Reports of Committees.** Reports of committees;

6<sup>th</sup>. **Second readings.** Bills and resolves reported by the Committee on Bills in the Second Reading;

7<sup>th</sup>. **Bills and resolves; enactment or passage.** Bills on their passage to be enacted, and resolves on their final passage; and

8<sup>th</sup>. **Orders of the day.** Orders of the day.

**Rule 513. Calendar.** Bills and resolves are taken up for their second reading and passage to be engrossed, or other disposition, in the order that they stand on the calendar. If a bill or resolve, after it is put on the calendar, is laid on the table, and no time is assigned for its further consideration, then the bill or resolve must go to the foot of the calendar. Papers from the House, concerning which there has been a disagreeing vote of the 2 chambers, must be disposed of before commencing with the calendar. This rule does not apply to or interfere with motions to reconsider, or special assignments or other privileged questions.

**Rule 514. Transact business.** Business may not be transacted after the hour of 9:00 p.m. without the affirmative vote of a majority of the members present and voting.

**Rule 515. Roll call.** A roll call must close no more than 30 minutes after the call was commenced. When the yeas and nays are taken, the names of the Senators must be called alphabetically.

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

**Rule 516. Unfinished business.** The business that was unfinished in the Senate at the time of the last adjournment has precedence in the orders of the day.

**Rule 517. Notice to Senate.** The President shall give the Senate notice before an engrossed bill or resolve may be sent to the House.

**Rule 518. Dispensation of rule.** A rule may not be dispensed with, except by the consent of 2/3 of the members present.

**Rule 519. Amendment, adoption or repeal of rule.** Notwithstanding Rule 518, after the convening of a first regular session and before the 3<sup>rd</sup> Monday in January and after the convening of a second regular session and before the second Wednesday after the first Tuesday of January, any amendment to the Senate Rules proposed by a Senate order

may be adopted by a majority vote of the members present, except that if the amendment has already failed to be adopted during that session, it may be adopted only if, upon reconsideration, it receives the approval of 2/3 of the members present.

**Rule 520. Rules of parliamentary practice.** The rules of parliamentary practice comprised in "Mason's Manual of Legislative Procedure" or any other standard authority, govern the Senate in all cases in which they are applicable and in which they are not inconsistent with the standing rules of the Senate or of the joint rules of the 2 chambers.

**Rule 521. Impeachment.** Prior to final action by the Senate on any paper initiating any impeachment proceeding under the Constitution of Maine, Article IV, Part First, Section 8; Article IV, Part Second, Section 7; and Article IX, Section 5, and prior to final action by the Senate on any paper initiating any address proceeding under the Constitution of Maine, Article IX, Section 5, the Secretary of State shall furnish members of the Senate with copies of the 1986 report to the 112<sup>th</sup> Legislature on impeachment and address.

**Rule 522. Committee of the whole.** The Senate may at any time, upon motion, by a vote of a majority of the members present, resolve itself into a committee of the whole for the purpose of considering any subject named in the motion. The President shall appoint a chair. If a message is announced while the Senate is in this committee, the President shall resume the chair for the purpose of receiving the message; immediately after which the committee shall proceed, until dissolved in the usual manner.

**Rule 523. Line-Item veto.** When a bill or resolve is returned by the Governor with any dollar amount disapproved pursuant to the Governor's line-item veto power, the Senate shall act upon the disapproved item or items within 5 calendar days, excepting Sundays, of receiving the bill or resolve from the Governor or within the remaining balance of time available after receiving the bill or resolve from the House.

**READ.**

Senator **AMERO** of Cumberland moved to **Table**, pending motion by Senator **RAND** of Cumberland to **PASS**.

---

Senate at Ease.

Senate called to order by the President.

---

Senator **AMERO** of Cumberland requested and received leave of the Senate to withdraw her motion to **Table**, pending motion by Senator **RAND** of Cumberland to **PASS**.

On further motion by same Senator, Senate Amendment "B" (S-5) **READ** and **ADOPTED**.

**PASSED AS AMENDED BY SENATE AMENDMENT "B" (S-5).**

---

Off Record Remarks

---

The Following Communication: S.C. 6

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

**Letter of Transmittal**

The Honorable Senator Mark Lawrence  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Lawrence:

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

September 18, 1998

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

The Following Communication: S.C. 7

**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, Maine 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**

**Joint Orders**

On motion by Senator AMERO of Cumberland, 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.

**READ** and **PASSED.**

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

---

On motion by Senator BENNETT of Oxford, 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 101<sup>st</sup> 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.

**READ** and **PASSED.**

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

---

On motion by Senator PINGREE of Knox, 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.

**READ and PASSED.**

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

---

On motion by Senator AMERO of Cumberland, 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.

**READ and PASSED.**

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

---

On motion by Senator RAND of Cumberland, 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.

**READ and PASSED.**

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

---

On motion by Senator BENNETT of Oxford, the following Joint Order: S.P. 7

ORDERED, the House concurring, that a sufficient number of the Legislative Record for the 119<sup>th</sup> 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.

**READ and PASSED.**

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

---

#### Senate Orders

On motion by Senator RAND of Cumberland, the following Senate Order: S.O. 5

ORDERED, that the Secretary of the Senate be authorized to appoint sufficient staff to attend to the duties of the Office of the Secretary and the proper operation of the Senate.

**READ and PASSED.**

---

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

#### ORDERS

#### Joint Orders

On motion by Senator PINGREE of Knox, 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.

**READ and PASSED.**

On motion by Senator **BENNETT** of Oxford, the Senate **RECONSIDERED** whereby the Joint Order was **PASSED**.

The same Senator moved that the Joint Order be **COMMITTED** to the Legislative Council.

**THE PRESIDENT:** The motion of the Senator from Oxford, Senator Bennett, was to refer this matter to the Legislative Council. The Chair would rule that that motion is out of order as the Legislative Council is an administrative body and not a Committee of the Legislature for reference of bills. The Chair recognizes the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you Mr. President. I guess I will speak to the issue at hand more directly then. It's exactly the reason that the Legislative Council is an administrative body that I thought it would be most appropriate for the Legislative Council to discuss this issue. The first meeting of the Legislative Council for the 119<sup>th</sup> Legislature, I believe, is tomorrow, and this issue, in my opinion, ought to at least wait until the Legislative Council meets to discuss the important management and other issues that relate to the policy of running the legislature and managing our slender resources here. This issue, in my view, the issue of determining some important allocations of the staff time, precious nonpartisan staff time in the legislature, ought to be carefully considered by the new Legislative Council. This matter, which would require final versions of bills and resolves to delivered out of the Revisor of Statutes Office, and that means all nonpartisan offices, by March 1, 1999, is an important issue. This issue will also authorize the Revisor of Statutes to hire any such temporary staff necessary to carry out this order. The cost of hiring such staff now, when they are available, is at least \$25 an hour. Sometimes more. I really think this ought to be considered more carefully before we adopt it. Frankly, there is no reason to adopt it tonight. I think it's an appropriate issue for the Legislative Council to consider before we adopt this. I may very well come back here in the beginning of January and support this motion, and I hope I do, but I would also like to act as a new Legislature and not just repeat the actions of the previous Legislature based on some sense that this is what they do best. We have already seen that we should think anew on some issues and this is one of them. I would hope that this issue, if not committed, would be tabled pending further consideration so that we can wait for the Legislative Council to at least meet before we pass this. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you, Mr. President, men and women of the Senate. I just want to make a brief response. This is the procedure that we used during the last legislative session which enabled us to do our work much more quickly and, in fact, adjourn the legislature a month early, which I think in the end saved us quite a bit of money. I would hope that you would all go along with the idea of doing this again and finding a way to make us work as efficiently as possible. Thank you.

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

Senator **HARRIMAN:** Thank you, Mr. President, ladies and gentlemen of the Senate. While I wholeheartedly agree with my good friend from Knox, Senator Pingree, of the goals that we are trying to accomplish, I think it's only appropriate that we involve the people who we are asking to do this work. We are putting them under an intense amount of pressure and time constraints and probably lack of sleep and other inconveniences that we come to take for granted. It would only make sense that we give this Joint Order a chance to be discussed, as my good colleague from Oxford, Senator Bennett, suggests. We are impacting an office that I don't think we have had any real input from, whether this is a realistic goal or demand to place on them and waiting a few days to get their input seems to me to be reasonable, fair and have common sense. Thank you very much.

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

Senator **RUHLIN:** Thank you Mr. President, ladies and gentlemen of the Senate. I would point out to you that I think the key operative words of this order are "filed prior to the cloture date." If we are to have a reasonable time to do our work, give reasonable consideration to the completion of that work, and to be done at a reasonable time then we must set reasonable schedules. This says that those items that are filed before the cloture date then the Revisor has until March 1<sup>st</sup> to have that information ready for us. If they can't have it ready by March 1<sup>st</sup> from the cloture date, when are we ever going to get out of here? I don't want to be sitting here in June and July. Certainly, with the cloture date that we have, with that time period between the cloture date and March 1<sup>st</sup> is sufficient time, if we go about it in an orderly and reasonable fashion, if everybody in this building is pulling together to get the work of this Legislature completed on time and in a fashion that does the people's business appropriately. Thank you.

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

Senator **BENNETT:** Thank you Mr. President, fellow members of the Senate. It is precisely for the arguments that I am hearing tonight that I think we ought to have a discussion in the Legislative Council before we work on what is, in many regards, administrative in management of the legislature issue and enforce that consideration in the Legislative Council and not take up our time here, at this point, before that discussion, talking about this issue. We should be talking about it there first. I just want to make two other points. One is that in light of last year's bill regarding the ability of certain legislative staff to organize collectively, unionize, we really ought to give this consideration. There was a report at that time that some legislative staff members in the nonpartisan offices who gathered literally hundreds of overtime hours, working on this stuff. 600, 700, 800, 900 hours of overtime and comp time. This may be appropriate, it may not, and I don't want to get into it right here. I would prefer, in fact, there is nothing rushing us on this decision. I just would prefer to see a discussion in the Legislative Council about these issues and the way that we treat the staff of this legislature, which is very

hard working and over taxed, in more ways than one, and overworked and I think it's incumbent on us, as new legislative leaders, and myself in particular as a new member of leadership, I feel it would be irresponsible of me to deal with this issue in this forum without this discussion. Some may find that amusing and insincere, but I can tell you that it is very sincere, because I have seen the labor and the sweat and the angst that we have put on legislative employees and if we can find a better way we ought to grab it. At least let's look before we leap. Thank you.

The Chair ordered a Division.

Senator AMERO of Cumberland moved to TABLE until Later in Today's Session, pending motion by Senator PINGREE of Knox to PASS.

The Chair ordered a Division. 15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator AMERO of Cumberland to TABLE until Later in Today's Session, pending motion by Senator PINGREE of Knox to PASS, FAILED.

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

Senator AMERO: Thank you Mr. President. I rise to ask about a point of order.

THE PRESIDENT: The Senator from Cumberland, Senator Amero, may pose her point of order.

Senator AMERO: I don't know if other members' Supplement number 2 is printed under the heading of State of Maine 118<sup>th</sup> Legislature, Second Special Session, but if it is, I wonder if this order might need to be reprinted.

THE PRESIDENT: The Chair would answer that that is a typographical error which occurred when using supplements from prior Legislatures. If the Senator wishes, we can wait around and have that typographical error reprinted, but it doesn't substantively affect the Joint Order.

On motion by Senator BENNETT of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#4)

YEAS: Senators: BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, KILKELLY, LAFOUNTAIN, LONGLEY, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON,

GOLDTHWAIT, HARRIMAN, LIBBY, MACKINNON, MILLS, MITCHELL, TREAT

ABSENT: Senators: KIEFFER, KONTOS, MICHAUD, SMALL

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, on motion by Senator PINGREE of Knox, PASSED.

Sent down for concurrence.

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

On motion by Senator PINGREE of Knox, the following Senate Order: S.O. 6

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

READ and PASSED.

On motion by Senator AMERO of Cumberland, the following Senate Order: S.O. 7

ORDERED, that the Secretary of the Senate be authorized to invite the clergy to officiate as Chaplains of the Senate as requested by any member of the Senate; and be it further

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

READ and PASSED.

Under unanimous consent, on motion by Senator PINGREE of Knox, on behalf of Senator MICHAUD of Penobscot, the following Senate Order: S.O. 8

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

READ and PASSED.



---

On motion by Senator AMERO of Cumberland, the following  
Senate Order: S.O. 9

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

**READ and PASSED.**

---

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.

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

**READ and PASSED**, in concurrence.

---

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

**PAPERS FROM THE HOUSE**

**Joint Orders**

The following Joint Order: H.P. 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.

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

**READ and PASSED**, in concurrence.

---

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.

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

**READ and PASSED**, in concurrence.

---

Senate at Ease.

Senate called to order by the President.

---

---

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.

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

**READ and PASSED**, in concurrence.

---

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

**PAPERS FROM THE HOUSE**

**Joint Orders**

The following Joint Order: H.P. 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.

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

**READ** and **PASSED**, in concurrence.

\_\_\_\_\_  
Senate at Ease.

Senate called to order by the President.

\_\_\_\_\_

On motion by Senator PINGREE of Knox, 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.

**READ** and **PASSED**.

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

\_\_\_\_\_  
Senate at Ease.

Senate called to order by the President.

\_\_\_\_\_

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

\_\_\_\_\_

Off Record Remarks

\_\_\_\_\_

Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate Off the Record.

\_\_\_\_\_

Senator **FERGUSON** of Oxford was granted unanimous consent to address the Senate Off the Record.

\_\_\_\_\_

Off Record Remarks

\_\_\_\_\_

On motion by Senator **FERGUSON** of Oxford, **ADJOURNED**, pursuant to the Joint Order, until Wednesday, January 6, 1999, at 10:00 in the morning.