

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twentieth Legislature
State of Maine

Volume 1

First Regular Session
December 6, 2000 to May 23, 2001

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

In Senate Chamber
Wednesday
December 6, 2000

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

Prayer by Father Frank Murray of St. Mary's Catholic Church in Bangor.

FATHER MURRAY: Let us pray. Loving God, we give You praise and thanks for Your many gifts. Help us better recognize the abundance of Your gifts and our responsibility to use them wisely and fairly. Help us realize that through mutual respect of each other, and through cooperation with each other, we discern Your will and effectively accomplish it in our time and in our place. May the unique challenges of this new session of the Legislature here in the Maine Senate challenge us. May wisdom, understanding, and courage more than offset where power is lacking. May trust and shared values motivate hard work and help accomplish surprising results, and may this valuable democratic institution show its strength and its members surpass all expectations. Loving God, we ask You to bless our State Senators in a special way this day as they begin, together, this unique journey. Bring them together, support them, and help them know Your abiding love for them. We make this prayer in Your name. Amen.

Pledge of Allegiance led by Senator-elect Jill M. Goldthwait of Hancock County.

Doctor of the day, Angus Badger, M.D., Rumford.

The Following Communication: S.C. 1

STATE OF MAINE

Office of the Secretary of State

December 6, 2000

To Joy J. O'Brien, Secretary of the Senate in the One Hundred and Nineteenth 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 Twentieth Legislature, in accordance with the tabulation submitted to the Governor on November 27, 2000:

- DISTRICT 1 JOHN L. MARTIN, Eagle Lake
- DISTRICT 2 RICHARD KNEELAND, Easton
- DISTRICT 3 MICHAEL H. MICHAUD, East Millinocket
- DISTRICT 4 KEVIN L. SHOREY, Calais
- DISTRICT 5 JILL M. GOLDTHWAIT, Bar Harbor
- DISTRICT 6 EDWARD M. YOUNGBLOOD, Brewer
- DISTRICT 7 MARY R. CATHCART, Orono
- DISTRICT 8 PAUL T. DAVIS, SR., Sangerville
- DISTRICT 9 W. TOM SAWYER, JR., Bangor
- DISTRICT 10 BETTY LOU MITCHELL, Etna
- DISTRICT 11 SUSAN W. LONGLEY, Liberty
- DISTRICT 12 CHRISTINE R. SAVAGE, Union
- DISTRICT 13 S. PETER MILLS, Cornville
- DISTRICT 14 KENNETH T. GAGNON, Waterville
- DISTRICT 15 BEVERLY C. DAGGETT, Augusta
- DISTRICT 16 MARJORIE L. KILKELLY, Wiscasset
- DISTRICT 17 CHANDLER E. WOODCOCK, Farmington
- DISTRICT 18 SHARON TREAT, Gardiner
- DISTRICT 19 MARY E. SMALL, Bath
- DISTRICT 20 JOHN M. NUTTING, Leeds
- DISTRICT 21 MARGARET ROTUNDO, Lewiston
- DISTRICT 22 NERIA R. DOUGLASS, Auburn
- DISTRICT 23 BETHEDA G. EDMONDS, Freeport
- DISTRICT 24 NORMAN K. FERGUSON, JR., Hanover
- DISTRICT 25 RICHARD A. BENNETT, Norway
- DISTRICT 26 KARL W. TURNER, Cumberland
- DISTRICT 27 I. JOEL ABROMSON, Portland
- DISTRICT 28 ANNE M. RAND, Portland
- DISTRICT 29 WILLIAM B. O'GARA, Westbrook
- DISTRICT 30 LYNN BROMLEY, South Portland
- DISTRICT 31 PEGGY A. PENDLETON, Scarborough
- DISTRICT 32 LLOYD P. LAFOUNTAIN III, Biddeford
- DISTRICT 33 DAVID L. CARPENTER, Sanford
- DISTRICT 34 MICHAEL J. MCALEVEY, Waterboro
- DISTRICT 35 KENNETH F. LEMONT, Kittery

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given Under my hand at Augusta this sixth day of December in the year Two Thousand.

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 **WOODCOCK** and further excused the same Senator from today's Quorum Call.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL (#1)

PRESENT: Senators-elect: ABROMSON, BENNETT, BROMLEY, CARPENTER, CATHCART, DAGGETT, DAVIS, DOUGLASS, EDMONDS, FERGUSON, GAGNON, GOLDTHWAIT, KILKELLY, KNEELAND, LAFOUNTAIN, LEMONT, LONGLEY, MARTIN, MCALEVEY, MICHAUD, MILLS, MITCHELL, NUTTING, O'GARA, PENDLETON, RAND, ROTUNDO, SAVAGE, SAWYER, SHOREY, SMALL, TREAT, TURNER, YOUNGBLOOD

EXCUSED: Senator-elect: WOODCOCK

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

On motion by Senator-elect **BENNETT** of Oxford, 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 Oxford, Senator-elect **BENNETT**, to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator-elect from Oxford, Senator-elect **BENNETT** to the Governor.

Subsequently, the Senator-elect from Oxford, Senator-elect **BENNETT**, reported that he had delivered the message with which he was charged.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

ORGANIZATION OF THE SENATE

The Honorable Angus S. King, Jr., Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

GOVERNOR KING: Good morning. Please be seated. To say it's a pleasure is an understatement. I am pleased to be joining you, in this beautiful chamber on this gorgeous Maine day at a new beginning in a new century for our State, to welcome the newly elected members of the 120th Legislature. My job is a very simple one today. It is not to make a speech. It is to do the

official act of swearing you into office and it is something that I do with great pleasure because this is such an important moment in the history of our State and the history of our country. I have to comment just a moment about the significance of this day.

For thousands of years, people struggled with the idea of power and the transfer of power. The struggle usually ended up with some form of violence, intrigue, fighting, and distrust. This country, among others, pioneered the idea of the peaceful transfer of power. Although all of us have been by turns confused, perplexed, disappointed, surprised, and otherwise interested in what's been going on in the state of Florida. The interesting thing to talk about Florida and about our process is what you don't see. When you watch CNN, what you don't see are troops. What you don't see are National Guardsmen. What you don't see are people with guns. What you see are ordinary citizens struggling, as best they can in an extraordinarily complex situation, to decide how power will be transferred in our country as it always has been in a peaceful way, based upon the will of the people themselves. Here today we are celebrating, in a somewhat more orderly way than is going on in Florida, that very same phenomenon. The transfer of power, the transfer of responsibility, and the transfer of opportunity.

I will be addressing you later in the State of the State about the opportunities that I see for the State of Maine and how we can work together to achieve that vision that all of us share of a place of unparalleled opportunity for our people. A place where we can have our children grow and prosper and stay. I guess I would summarize the vision as best I can in the most straightforward Maine manner that was put to me by an old man when I was running for Governor three years ago up in northern Maine. He said, "well, what we really want is a nice place and the money to enjoy it." I thought that sort of summarized the whole thing about as well as anything I've heard. That's economic development, education, environmental protection, and quality of life all rolled into one wonderful Maine sentence. A nice place and the money to enjoy it. That's the kind of opportunity that we want to produce for all the people of this state.

So, it is now time for the official action and I will advise you that in Maine every person that takes the oath of office takes two. We have two oaths; so don't quit on me in the middle. And for those of you who are in this chamber, I don't know if you've been informed but there will be one Senator who is not sworn in today, this morning anyway, with this group. That's the Senator from Franklin. The reason for that is an ancient Maine tradition. In the early days of this state's independence, somebody in this large building in December had to tend the fires. And it was always the Senator from Franklin. So by tradition, the Senator from Franklin County will not take the oaths with everyone else this morning, but we will have a private oath taking later today because, symbolically in any case, the fires are being tended in order to warm the hearts and minds of the people's representatives in this building. So if those of you other than the Senator from Franklin will rise, we will enter into the oaths.

The Senators-elect took and subscribed to the oaths of office required by the Constitution.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

On motion by Senator **DAGGETT** of Kennebec, the following Senate Order: S.O. 4

ORDERED, that the Senate Rules of the 120th Legislature are as follows:

SENATE RULES
120th 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.

Rule 103. Election of Senate Officers.

1. Officers of Senate. The Senate shall elect the officers of the Senate: the President, President Pro Tempore, the Secretary, and the Assistant Secretary.

2. Term of President. The President elected in December of 2000 shall serve in that office through December 5, 2001, at which time he or she will become the President Pro Tempore.

3. Term of President Pro Tempore. The President Pro Tempore elected in December of 2000 shall serve in that office through December 5, 2001, at which time he or she shall be sworn in and assume the office of President.

4. Replacement of President and President Pro Tempore. If the President is unable to serve, then the Senate shall elect a replacement pursuant to a joint agreement of December 6, 2000. If the President Pro Tempore is unable to serve, then the Senate shall elect a replacement pursuant to a joint agreement of December 6, 2000.

5. Term of Secretary. The Secretary elected in December of 2000 shall serve in that office through December 5, 2001, at which time he or she will become the Assistant Secretary of the Senate.

6. Term of Assistant Secretary. The Assistant Secretary of the Senate elected in December of 2000 shall serve in that office through December 5, 2001, at which time he or she shall assume the office of Secretary of the Senate.

7. Replacement of Secretary and Assistant Secretary. If the Secretary is unable to serve, then the President of the Senate shall appoint a replacement. If the Assistant Secretary is unable

to serve, then the President Pro Tempore of the Senate shall appoint a replacement.

Part 2

President and President Pro Tempore

Rule 201. Duties and powers of the President.

The President shall:

1. Take the chair; reading of journal. 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;

2. Address the Senate. Address the Senate when speaking;

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

4. Enforce order and decorum. Enforce the observance of order and decorum;

5. Decide questions of order. Decide questions of order without debate within 7 legislative days;

6. Questions and declaration of votes. 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;

7. Vote. Vote in all cases, unless excluded by interest;

8. Name temporary chair in absence of President Pro Tempore. Name a Senator to perform the duties of the Chair when the President Pro Tempore is unable to serve;

9. Appoint legal counsel. Appoint legal counsel;

10. Make appointments required by law. Make appointments as required by law; in making appointments to boards and commissions, the President shall consult with the President Pro Tempore; and

11. Name Secretary of Senate when Secretary unable to serve. Name a person to assume the duties of the Secretary of the Senate in the event the Secretary is unable to serve.

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;

2. President assumes office of Governor. When the President assumes the office of Governor, assume the office of President until a successor can be chosen as provided in Rule 103, section 4;

3. Legislative Council. Serve as President of the Senate on the Legislative Council established by the Maine Revised Statutes, Title 3, section 161; and

4. Assistant Secretary of the Senate. Name a person to assume the duties of Assistant Secretary of the Senate in the event that the Assistant Secretary of the Senate is unable to serve.

Rule 203. Selection of Committees. The President and President Pro Tempore shall by agreement:

1. Select committee chairs and members. Apportion the party make up and Senate chairs of all joint standing and joint select committees in accordance with their agreement. The President shall fill the positions allotted to his or her political party and the President Pro Tempore shall fill the positions allotted by the agreement to his or her political party;

2. Appoint other positions. According to the agreement, appoint a sergeant-at-arms, a postmaster and session staff who shall perform their duties under the supervision of the Secretary of the Senate;

3. Appoint Committee on Bills in Second Reading and Engrossed Bills. 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 Second Reading;

4. Appoint Committee on Conduct and Ethics. Appoint the Committee on Conduct and Ethics, which is comprised of 5 members, no more than 2 of which can be from the same political party; and

5. Rescission of Appointments. The President may rescind appointments that he or she made at any time. The President Pro Tempore may rescind appointments that he or she made at any time.

Part 3

Secretary

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

1. Presiding officer. Preside when the President and the President Pro Tempore are absent until a temporary presiding officer is chosen;

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. Senate 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;

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

6. Salary and benefits of Senate employees. 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.

Rule 302. Duties of Assistant Secretary of Senate. The Assistant Secretary of the Senate shall perform the duties of the Secretary when the Secretary is not present at a legislative session and assist in the management of the Secretary's office.

Rule 303. Staffing office of the Secretary. The Secretary of the Senate and the Assistant Secretary shall, consistent with any joint agreements, jointly fill the positions so as to carry out the responsibilities of the office in an expeditious and professional manner. Staff in the Secretary's office may be dismissed by joint action of the Secretary and the Assistant Secretary.

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:

To adjourn;
To reconsider;
To lay on the table;
To commit;
To amend; or
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:

1st. To recede;
2nd. To concur;
3rd. To insist; or
4th. 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. The President of the Senate may order any bill or resolve to be engrossed upon its introduction to the Senate.

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

- 1st. House Papers. House papers;
- 2nd. Messages and documents. Messages and documents from the Governor, heads of departments and others;
- 3rd. Documents requiring reference to committee. Reception of petitions, bills and resolves requiring reference to any committee;
- 4th. Orders. Orders;
- 5th. Reports of Committees. Reports of committees;
- 6th. Second readings. Bills and resolves reported by the Committee on Bills in the Second Reading;
- 7th. Bills and resolves; enactment or passage. Bills on their passage to be enacted, and resolves on their final passage; and
- 8th. 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 2/3 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 or order. A rule or order 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 3rd Friday 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. Amendment to certain rules. Notwithstanding Rules 518 and 519, Rules 103, 201, 202, 203, 301, and this rule may not be repealed, amended or suspended except by 2/3 vote of the elected membership of the Senate.

Rule 521. 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 522. 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 112th Legislature on impeachment and address.

Rule 523. 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 524. 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 and PASSED.

ELECTION OF SENATE OFFICERS

THE SECRETARY: Nominations are now in order for the office of Senate President of the 120th Legislature, pursuant to the rules of the Senate. The Chair recognizes the Senator from Cumberland, Senator Rand.

Senator **RAND:** Thank you, Madame Secretary. I nominate Senator Michael H. Michaud of Penobscot for the Office of President of the Senate of the 120th Legislature, pursuant to the Senate Rules, and wish to speak to that motion.

THE SECRETARY: The Senator has the floor.

Senator **RAND:** Men and women of the Senate and all of our guests here today, I am honored to place in nomination the name of Michael H. Michaud for the position of President of the Maine State Senate. Mill worker and the son of a large working-class family, Mike was first elected to the Maine House in 1980, at the tender age of 24 years, representing the people of Millinocket. As Chair of the Energy and Natural Resources Committee here in the State and Chair of the Environment Committee of the National Council of State Legislatures, Mike's legislative abilities began to surface. Something that most people don't know is for 13 of his 14 years in the House, Michael was Speaker Pro Tem. This position enabled him to hone his now considerable parliamentary skills. In 1994, he successfully ran for the Senate. Within two years, he was appointed Chair of the Appropriations Committee. In his four years as Chair, through hard work and attention to detail, Mike has earned the respect and admiration of staff, fellow legislators, the Executive Branch, and the lobby for doing a difficult job with grace under pressure. Never one to lose his patience. Always ready to negotiate the details, no matter how many hours or days it involved. Always able to find that additional Mike we have to have it money for a worthy legislative initiative. Never one to place partisanship above sound fiscal policy. Always willing to reach across party lines to produce the best, the best budget, the best legislation possible for the State of Maine. Continuously reminding all of us of the notorious structural gap, Mike has excelled. A legislative journey that began 20 years ago culminates today here. If length of service, dedication, continual growth in the skills required to legislate effectively, in-depth knowledge of our budgetary process, an aptitude for consensus building, and a deep and enduring love of this institution we call the Maine Legislature count for anything, I

ask your unanimous support of Michael H. Michaud for President. He will serve us well. Thank you, Madame Secretary.

THE SECRETARY: Michael H. Michaud of East Millinocket has been nominated for the Office of Senate President. Is there a second? The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Madame Secretary, I second the nomination of Senator Michael H. Michaud of Penobscot as President of the Maine State Senate for the 120th Legislature, pursuant to the Rules of the Senate. I wish to speak to my motion.

THE SECRETARY: The Senator has the floor.

Senator **DAVIS:** Thank you very much. It's with great pleasure that I rise to second the nomination of Senator Michaud to be the President. I'm very proud and pleased to be the one to do so. In the weeks following the elections this November, there was some confusion, perhaps some of my colleagues noticed it, in who was going to run things here in Augusta. Senator Michaud emerged immediately as a strong leader. It was clear to everyone involved that he was definitely the man that needed to be in leadership. He was one of the key players in the power sharing agreement that came out. During the entire time he pushed hard for fairness and parity in the Senate. He certainly showed that he has considerable experience in dealing with people and showed that his years here in the Legislature have given him considerable knowledge as a negotiator. He has served 7 terms in the other body and 3 terms here. This certainly prepares him very well for this high office that he is going to have. I know personally that, as a freshman Senator here, he reached across party lines to help the people, not only of his district but the people of all of Maine, who are truly in his heart. I can tell you folks, with the utmost of confidence, that the State of Maine has every reason to be proud to have Senator Michael Michaud as its new Senate President. It's with pleasure that I second the nomination, Madame Chair. Thank you.

On motion by Senator **BENNETT** of Oxford, nominations ceased and one ballot was cast on the part of the Senate in favor of Senator **MICHAEL H. MICHAUD** of Penobscot for the Office of President of the Senate for the 120th Legislature, pursuant to the Senate Rules.

This being done, Senator **MICHAEL H. MICHAUD** of Penobscot was duly elected President of the Senate of the 120th Legislature.

The Secretary requested the Senator from Oxford, Senator **BENNETT** inform Governor Angus S. King, Jr. that President-elect **MICHAEL H. MICHAUD** of Penobscot was assembled in the Senate Chamber, ready to take and subscribe to the oaths of office required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Sergeant-At-Arms escorted the Senator from Oxford, Senator **BENNETT** to the Governor.

Senate at Ease.

Senate called to order by the President.

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

Subsequently, the Honorable Angus S. King, Jr., Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

Senator **MICHAEL H. MICHAUD** of Penobscot took and subscribed to the oaths of office required by the Constitution to qualify him to discharge his duties as President of the Senate, pursuant to the Rules of the Senate.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

PRESIDENT MICHAUD: Thank you. I want to thank the families and friends for coming here to watch their spouses be sworn in. It really is a true occasion. I'm very honored to be up here. I want to thank Senator Rand and Senator Davis for placing my name in nomination. Thanks to all of you for the confidence that you have placed in me. I would also like to thank Senator and past President, Mark Lawrence for his service in this chamber. He was a true statesman and he will, therefore, be a tough act to follow. I also want to thank my constituents for sending me to Augusta for the last 20 years. Finally, I want to thank my parents for the upbringing they've given me all my lifetime. And also my family and friends for their support for the past 20 years that I've been in public office.

This has been quite the year for politics. A close election. The media declared the Republicans the winner. Democrats objected. Votes are locked in state offices and can't be counted. A body of lawyers appeal to the Supreme Court. There is a hand-count. Mobs march in streets. And I'm not talking about Florida in the year 2000. I'm talking about Maine in the year 1879, in the dispute of the Governors' election between the Democrats, Republicans, and Greenbacks. In Maine that year the issue was finally settled when Joshua Chamberlain came upon the State House, positioned a cannon outside the doors, and restored order.

In Florida that issue has been resolved in a bitter court battle. But here in the Maine Senate, in the year 2000 with a dead-even political tie, we resolved things differently. We don't use cannons or courts. We talk. Today I want to congratulate Senator Bennett, Senator Goldthwait, Senator Daggett, Senator

Treat, Senator Small, and Senator Davis for talking and not posturing. For looking for answers rather than dwelling on problems. For trusting instead of pointing fingers. We have, together, set a standard of civility which Washington might learn a little something from. But I want to make it clear that civility is not blindness. Civility is not everyone thinking the same way. We are all different. We come from different parts of the state. We have different values. We belong to different political parties. And there is nothing wrong with any of this, because with diversity comes strength. From passionate beliefs come commitment. We are all here today because we care deeply and because we care deeply, we will inevitably, and sincerely at times, disagree. Where civility comes in is that we must listen to those who disagree with us and learn from those talks and respect each other's will. That is the philosophy I'll bring to my tenure as President and I'm sure that Senator Bennett will bring to his tenure.

The next two years hold much in store for us. For the first time in a long time, we face daunting budget challenges that will be tough, that will require creative decisions. But this is nothing new for the members of this chamber. Most of us grew up in families for whom sitting around the kitchen table, counting up the money, and paying the bills was a way of life every winter. That's the way it was in my family, as the son of a mill worker, growing up in northern Maine. Mainers know what it means to patch things together, to make money stretch a little bit further. And I think it's these very skills and even more, that we're going to need this year. Maine voters told us they want action in health care, in education, and in so many other areas. Maine families work hard. They struggle to bring better opportunities to their children than they once had. And that is what I believe Mainers expect of government. Be frugal, but expand opportunities. And so, in the year when new spending and new tax cuts will surely leave plenty of room for disagreement, let us use some of that civility to work together to ensure those priorities we heard from so many voters over the past election.

Last year, we passed historical legislation on the floor of the Maine Senate, unanimously. This first in the nation law was designed to help keep drug prices affordable for all Mainers. That law is now threatened in the courts. At the same time, drug prices have kept going up faster than ever. This year we must stand together, all of us, and look the drug companies in the eyes and tell them they need to help us keep the cost of drugs down.

Last year, we passed a major increase to state aid to education and in school modernization funds. Voters told us during this past election that we're not done yet. We need to work together and use some of that creativity to find the money our children need.

Last year, we also worked together to find health care coverage for the uninsured. But the numbers of uninsured keep going up. We must work together to tackle this crisis within our health care system before another insurance company leaves the State of Maine. Before another single working mom is added to the uninsured. Before another small business decides to cancel its health insurance benefits. No, health care is not a guaranteed right by our Constitution or memorialized in our statutes. But it is the right thing to do. We have no time to spare.

There are many other pressing issues facing Maine. Tuition help for technical colleges and universities. Equal pay for equal work for women. A livable wage for Maine workers. Elimination, once and for all, of domestic violence. Keeping our schools safe. Preventing sprawl and environmental deprivation. Keeping the working forests and waterfronts. You can undoubtedly add to this

list, but by next spring, however, we will be paring the list back again. But that is the legislative process. Though we will be doing it a little differently here in the Senate this time, we will continue to serve the best interest of the people of the state, just as we've always done. We will show the nations elected officials how to lead when the people have spoken and are exactly split down the middle. We will lead the way because, above all else, we are Mainers. Our state motto is *Dirigo*, "I lead".

Once again, I want to thank my colleagues for their confidence. I'm looking forward to working with you over the next two years. Thank you.

At this point, the President noted the presence in the Senate Chamber of Senator-elect **WOODCOCK** of Franklin. In accordance with a long-standing and unique tradition of the Maine Senate, the Senator-elect from Franklin was absent to attend to and stoke the furnace. The President requested the Senator from Piscataquis, Senator **DAVIS** escort the Senator-elect from Franklin, Senator-elect **WOODCOCK**, to the Governor for the purpose of taking and 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 **WOODCOCK**, to the Governor.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Subsequently, the Senator from Piscataquis, Senator **DAVIS**, reported that he had attended to the duties with which he was charged and was pleased to report the Senator from Franklin, Senator **WOODCOCK** had, before the Governor, taken and subscribed to the oaths of office required by the Constitution. Thereupon, Senator **WOODCOCK** 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 President Pro Tem, pursuant to the Rules of the Senate.

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

Senator **DAGGETT:** Thank you, Mr. President. I nominate Senator Richard A. Bennett of Oxford for the Office of President Pro Tem of the Senate of the 120th Legislature, pursuant to the Rules of the Senate.

THE PRESIDENT: The Senator from Kennebec, Senator Daggett has nominated Senator Richard A. Bennett of Oxford for the Office of President Pro Tem of the Senate of the 120th Legislature, pursuant to the Senate Rules. The Senator may proceed.

Senator **DAGGETT:** Thank you, Mr. President. Mr. President and members of the Senate. Today is a day of excitement and anticipation. A day of skepticism as well as one of promise. Many of us are wondering what the next two years will bring. Much of what we do will be a part of tradition and some will be brand new. The sworn office of President Pro Tem is new. It's too soon to tell whether it will become a part of tradition.

This will be the 3rd term for the Senator from Norway, Senator Bennett. Senator Bennett was the Assistant Republican Leader in the 119th Maine Senate. During that term, he served on the Legislative Council, which is the operational arm of the Legislature. During the 118th Maine Legislature, he served as the sole Republican Senator on the Joint Standing Committee on Appropriations and Financial Affairs. Senator Bennett was also the Executive Director of the Maine Republican Party before serving two terms in the Maine House of Representatives beginning in 1990. In 1994, Senator Bennett won a four-way primary for Maine's second Congressional District, that District's seat in the U.S. House of Representatives. He lost the general election, but not after he had spent 750 walking miles getting to know the district and learn more about the state of Maine.

Senator Bennett serves as Director of Corporate Governance for Lens Investment Management, a position he has held since December 1997. In this role, Mr. Bennett helps formulate and execute the activism campaigns for Lens, an institutional shareholder activism fund. He's also co-founded and managed two successful small businesses and has had management roles in several others. He's an honors graduate of Harvard University and is currently working on his MBA at the University of Southern Maine. He lives in Norway with his wife, Karen. They have two children, Abigail who is five and Nathaniel who is two.

I first had the opportunity to meet the Senator from Norway, Senator Bennett, while he was the Executive Director of his party. At that time, I had narrowly won my own race for the other body. So we have a history of close lines. I had an opportunity to work with him as well when I chaired the Legal Affairs Committee, as it was called then. We were at times allies and at times adversaries. He was at all times a conscientious, thoughtful, and respectful person. We worked diligently on a comprehensive manufactured housing bill, which provided more consumer protections for our citizens, more specifically from out-of-state firms, while it supported our own industry. It was an excellent piece of legislation and accomplished a number of things. Everyone worked well and it was a unanimous committee report. However our most memorable moments were in conjunction with the notorious "greyhound bill". That aside, if anyone here is looking to put in animal rights legislation, I hope that they will be conferring with the good Senator and myself before they do that. On that legislation, we agreed on the goal but we disagreed on the legislation.

But I believe our sharing of goals, our disagreements, and our agreements are symbolic of what all of us have done in the past and what we intend to do in the future. Regardless of our party affiliations, sometimes we agree and sometimes we disagree, but we are all working for what is best for the State of Maine. We have already seen that commitment from the Senator

from Norway, Senator Bennett. I thank him and recognize him for that. I ask that you join me in support of this nomination.

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

Senator **GOLDTHWAIT:** I second the nomination and wish to speak on my motion.

THE PRESIDENT: The Senator from Hancock, Senator Goldthwait seconds the nomination of the Senator from Oxford, Senator Bennett. The Senator may proceed.

Senator **GOLDTHWAIT:** Thank you, Mr. President. The record is now closed on the 119th Legislature. Today we start to write the story of the 120th. This morning, the 120th is a clean slate and we all have an opportunity for a fresh start. That is obvious for the new members. It is also true for members newly arriving from the other body. Returning members of this body have the same opportunity. We sit in different seats. We will be serving in different capacities. We have a chance to recreate ourselves and this institution.

Though the 120th starts today, it has had a prologue. I believe the prologue will form this Legislature for the next two years. A significant part of this prologue has been written by the Senator from Oxford, Senator Bennett, by his words and especially by his actions. This is what that Senator has written. "The good of the state and of this body are more important than any individual in it. Honest praise of the good work of a colleague lifts us all up. Though the issues we face are serious, we should never resist the chance to laugh when the opportunity presents itself. Loyalty to the good of the body is the ultimate loyalty to any group within the body. A leap of faith at just the right moment can carry us past fear and doubt and preconceptions and leave us at the threshold of opportunity."

I thank Senator Bennett for his willingness to serve in this position, for his trust and his leadership, and I look forward to serving with him.

On motion by Senator **DAGGETT** of Kennebec, nominations ceased and one ballot was cast on the part of the Senate in favor of Senator **RICHARD A. BENNETT** of Oxford for the Office of President Pro Tem of the Senate for the 120th Legislature, pursuant to the Senate Rules.

This being done, Senator **RICHARD A. BENNETT** of Oxford, was duly elected President Pro Tem of the Senate of the 120th Legislature.

The President requested the Senator from Kennebec, Senator **DAGGETT** inform Governor Angus S. King, Jr. that President Pro Tem-elect **RICHARD A. BENNETT** of Oxford was assembled in the Senate Chamber, ready to take and subscribe to the oaths of office required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Sergeant-At-Arms escorted the Senator from Kennebec, Senator **DAGGETT** to the Governor.

Senate called to order by the President.

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

Subsequently, the Honorable Angus S. King, Jr., Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

GOVERNOR KING: I want to congratulate the Senators for the arrangement that they have arrived at, which I think is an extraordinary and historic one. I think that it should be very pleasing to the people of Maine. They have taken what could have been a contemptuous, difficult, and lengthy process and have arrived at an arrangement which I think everybody, when they heard it, said 'oh, that makes sense.' It's going to work. It's going to make sense to the people of Maine. I cannot not compliment in particular Senator Bennett, Senator Michaud and Senator Goldthwait for their creativity in creating a situation that has resolved what could have been a difficult one for the people of Maine.

Senator **RICHARD A. BENNETT** of Oxford took and subscribed to the oaths of office required by the Constitution to qualify him to discharge his duties as President Pro Tem, pursuant to the Rules of the Senate.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

THE PRESIDENT: The Chair recognizes President Pro Tem Bennett of Oxford.

President Pro Tem **BENNETT:** Thank you everyone. I particularly want to thank my good friends and colleagues; the Senator from Kennebec, Senator Daggett, and the Senator from Hancock, Senator Goldthwait. Thank you for your very gracious and kind remarks. I also want to recognize my family who are here. My mother-in-law, Mary Green, who's helping my wife with childcare today. My step-mother, Sheila Bennett. My father, Dean Bennett. My lovely wife, Karen. My daughter, Abigail, and my son, Nathaniel, who, if you haven't met him, you will through the course of the coming months, without question. My wife and children have put up with a lot from my involvement in politics and government. It's somewhat perverse, I think, that we spend so much time away from our families to run for and serve in the Maine Senate. We sacrifice special moments, those weekends of peace and quiet, and at the same time we do it for our families. To give them a better community, a better state, a better country in which to grow up and realize their dreams. For that reason, I am dedicating this term in office to my wife, Karen, and my children, Abigail and Nathaniel. I'm also dedicating this term to the memory of my grandfather, Donald Bennett of Locke Mills, Maine. He was a member of the greatest generation. He was a humble man who served proudly in the Sea-Bees in the Pacific in World War II. Otherwise, he never strayed far from home. Indeed, he lived in the same home with my grandmother for 60 years. He worked directly across the street from that home at a wood-turning mill for nearly 50 years. I was proud to be able to

Senate at Ease.

represent him and my grandmother when I first ran for the Maine House of Representatives in 1990. In that campaign ten years ago, he said something to me that I have carried with me ever since. He said simply 'when you get elected, make sure you work for all the people, not for the privileged few.' I will endeavor to carry that spirit throughout my work in the 120th Maine Senate.

This election, a month ago, had the media muddled and the pundits perplexed. It has left an undecided Presidential contest and an evenly divided U.S. Senate. And it left this unique and historic opportunity here in the Maine Senate. I believe it shows a couple of important things for our contemplation today. First, this election shows me that we are not a nation or a state deeply divided. We are closely divided. People are looking for civility and consensus building. We ought to give them that. Second, whether Democrat, Republican or Independent, we campaign in the same electorate. We heard the same concerns, the same issues. Concerns about education, health care, the environment. I do not view our role here in the Maine Senate as some have suggested, as principally the people who kill legislation. People who stop things from happening. The greatness of this opportunity we have as a body will not be manifested in negativism. Rather it will be seen as a difficult, sometimes elusive, search for common ground. We must realize that we all have the same goals. We all care about the same issues. We must work together to find common solutions.

I am deeply honored to have your trust. I know my serving in this role requires a leap of faith by some of you.. I want you to know that I am profoundly moved to have your faith. I will endeavor to live up to your highest expectations. I would like to talk with each of you about your expectations, your hopes, and your misgivings. I am here to serve you, all of you. We are all in this together.

I look forward to working with the Senator from Penobscot, President Michaud. Over the past weeks, I have been comforted that he and I share a philosophy about the Senate, its institutions and the Presidency. I know we both will be exercising our duties and powers in an institutional, non-partisan way.

I have three basic goals for my service as President Pro Tem and as President over the next two years. First, to empower every member of this Senate to make the most of the next two years. Second, to enhance public participation in the work of the legislature. Third, to leave this institution, the Maine Senate, better and stronger than when we found it. I look forward to working with you to realize these goals and in so doing, to give Maine citizens a government that they can be proud of. Thank you very much.

Off Record Remarks

THE PRESIDENT: Nominations are now in order for the Office of Secretary of the Senate for the 120th Legislature, pursuant to the Rules of the Senate.

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

Senator **LAFOUNTAIN:** Thank you, Mr. President. I would like to nominate Joy J. O'Brien of Portland in the county of

Cumberland for the Office of Secretary of the Senate of the 120th Legislature, pursuant to the Rules of the Senate.

THE PRESIDENT: The Senator from York, Senator LaFountain, has nominated Joy J. O'Brien of Portland for the Office of Secretary of the Senate for the 120th Legislature, pursuant to the Rules of the Senate. 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 place in nomination the name of Joy J. 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 8 prior terms as Secretary of the Senate, will certainly benefit the members of the 120th Maine Legislature and the citizens of Maine. I am most impressed with Joy's management abilities and the dedication of her entire staff. As we are all aware by now, life in this chamber as we have known it will certainly change. I am confident that both Joy and her staff will continue to provide us with the same level of courtesy and professionalism. It is without hesitation and with great enthusiasm that I nominate and encourage this body to support Joy O'Brien. Thank you.

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

Senator **ABROMSON:** I second the nomination of Joy J. O'Brien of Portland for the Office of Secretary of the Senate for the 120th Legislature, pursuant to the Rules of the Senate.

THE PRESIDENT: The Senator from Cumberland, Senator Abromson, has seconded the nomination of Joy J. O'Brien of Portland for the Office of Secretary of the Senate for the 120th Legislature, pursuant to the Rules of the Senate. The Senator may proceed.

Senator **ABROMSON:** Thank you, President. Ladies and gentlemen of the Senate, I am honored and privileged to rise this morning to second the nomination of Joy O'Brien for Secretary of the Senate. I have to tell you that a month ago I was honored and privileged to stand up to introduce the winner of the United States Senate race in Maine, Olympia J. Snowe. She and her staff had been particularly helpful to me during my re-election campaign. But that wasn't the reason that I was privileged and honored to introduce her. Four years ago, Joy O'Brien came to be Secretary of the Maine Senate again. I was a little bit concerned because I had just come off two years in the majority and I was wondering what it would be like to be in an institution that is basically, from a management point of view, run by the Secretary of the Senate. I quickly learned that she, as the sort of Chief Executive Office she is of that department, must have told her people that there are 35 Senators. Whether they have an I, an R, or a D after their name, it makes no difference. They were to take care of these 35 Senators. She has indeed done that well above and beyond the call of duty. As the Senator from York, Senator LaFountain, mentioned earlier, as we sit in this beautiful chamber, this was done under her guidance. It's truly a beautiful place to visit and for the 35 of us and our staff to work.

But why really is it an honor and a privilege to rise for Joy O'Brien as I did for Olympia Snowe? Because both of them are

my constituents. I will ask you to join me in support of the nomination of my constituent for Secretary of the Senate, Joy J. O'Brien. Thank you, Mr. President.

On motion by Senator **SMALL** of Sagadahoc, nominations ceased and one ballot was cast on the part of the Senate in favor of **JOY J. O'BRIEN** of Portland for the Office of Secretary of the Senate of the 120th Legislature, pursuant to the Rules of the Senate.

This being done, **JOY J. O'BRIEN** of Portland was duly elected Secretary of the Senate of the 120th Legislature, pursuant to the Rules of the Senate.

THE PRESIDENT: Nominations are now in order for the Office of Assistant Secretary of the Senate for the 120th Legislature, pursuant to the Rules of the Senate.

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

Senator **SMALL:** Thank you, Mr. President. I am very pleased and honored to nominate Pamela L. Cahill of Woolwich for the Office of Assistant Secretary of the Senate of the 120th Legislature, pursuant to the Rules of the Senate.

THE PRESIDENT: The Senator from Sagadahoc, Senator Small, has nominated Pamela L. Cahill of Woolwich for the Office of Assistant Secretary of the Senate for the 120th Legislature, pursuant to the Rules of the Senate. The Senator may proceed.

Senator **SMALL:** Thank you, Mr. President. As many of you know, or I guess fewer of us know as we start to be termed out, Pam Cahill served in the House for a number of years and then in the Senate, where she was selected to be her party's floor leader for a number of terms. In fact, she was the previous Senator from Sagadahoc and was very instrumental in getting me to run and helping me to be elected for the first time. In addition to many of Pam's teachings, she also passed on to me her love and respect for this hallowed institution, the Maine State Senate. Pam holds this chamber in highest reverence. She will always strive to serve us and make us and this chamber look absolutely professional. Out of her great respect for the members of this body, Pam has requested that I keep speech short. And so bowing to her wishes, I am very pleased and I am very honored once again to nominate my friend, my mentor, and my colleague Pam Cahill.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Mr. President. I am pleased to stand here and second the nomination of Pam Cahill from Woolwich as the Assistant Secretary of the Maine Senate. Truth be it known, I'm actually filling in today for Senator Martin, who is down at the other body participating in their observance of the people who have been former Speakers of the House. Senator Martin wanted me to make sure to point out that he was real pleased that a former member of the other body, Pam Cahill, could now arise to be a staff person for this body.

Actually, seriously, I've known Pam Cahill for over 20 years. I remember Pam Cahill when she was a member of the other body. I, as a dairy farmer, used to get up courage to come here and lobby the House. Pam was always very receptive and listened to everyone's arguments. Pam works hard. She's fair. She knows the legislative process. I think she's going to be a great Assistant Secretary of the Senate. I'm pleased to second her nomination. Thank you.

On motion by Senator **DAGGETT** of Kennebec, nominations ceased and one ballot was cast on the part of the Senate in favor of **PAMELA L. CAHILL** of Woolwich for the Office of Assistant Secretary of the Senate of the 120th Legislature, pursuant to the Rules of the Senate.

This being done, **PAMELA L. CAHILL** of Woolwich was duly elected Secretary of the Senate of the 120th Legislature, pursuant to the Rules of the Senate.

The President requested the Senator from York, Senator **LAFOUNTAIN** and the Senator from Sagadahoc, Senator **SMALL** inform Governor Angus S. King, Jr. that Secretary-elect Joy J. O'Brien and Assistant Secretary-elect Pamela L. Cahill were assembled 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.

The Sergeant-At-Arms escorted the Senator from York, Senator **LAFOUNTAIN** and the Senator from Sagadahoc, Senator **SMALL** to the Governor.

Senate at Ease.

Senate called to order by the President.

Subsequently, the Senator from York, Senator **LAFOUNTAIN**, and the Senator from Sagadahoc, Senator **SMALL**, reported that they had delivered the message with which they were charged.

Subsequently, the Honorable Angus S. King, Jr., Governor of the State of Maine, entered and addressed the Senate. (Amid applause, the Members rising.)

JOY J. O'BRIEN of Portland and **PAMELA L. CAHILL** of Woolwich took and subscribed to the oaths of office required by the Constitution to qualify them to discharge their duties.

The Governor withdrew from the Senate Chamber. (Amid applause, the Members rising.)

Out of order and under suspension of the Rules, on motion by Senator **DAGGETT** of Kennebec, 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 Senator Michael H. Michaud of Penobscot as President for the calendar year December 6, 2000 through December 5, 2001. Senator Richard A. Bennett of Oxford as President Pro Tem for the calendar year December 6, 2000 through December 5, 2001. Joy J. O'Brien of Portland as Secretary of the Senate for the calendar year December 6, 2000 through December 5, 2001. Pamela L. Cahill of Woolwich as Assistant Secretary for the calendar year December 6, 2000 through December 5, 2001.

READ and PASSED.

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

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

Senate at Ease.

Senate called to order by the President.

Out of order and under suspension of the Rules, on motion by President Pro Tem **BENNETT** of Oxford, the following Senate Order:

S.O. 5

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 2001 and 2002, a State Treasurer for the political years 2001 and 2002, an Attorney General for the political years 2001 and 2002, and a State Auditor for the political years 2001, 2002, 2003 and 2004, at 2:00 in the afternoon.

READ and PASSED.

The Chair appointed President Pro Tem **BENNETT** of Oxford to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted President Pro Tem **BENNETT** of Oxford to the Hall of the House.

Subsequently, President Pro Tem **BENNETT** of Oxford reported that he had delivered the message with which he was charged.

Senate at Ease.

Senate called to order by the President.

Out of order and under suspension of the Rules, on motion by Senator **SMALL** of Sagadahoc, the following Senate Order:
S.O. 3

ORDERED, that a committee of seven be appointed by the President to whom the returns of votes for Senators for the political years of 2001 and 2002 shall be referred for examination and report.

READ and PASSED.

COMMUNICATIONS

The Following Communication: S.C. 2

STATE OF MAINE

Office of the Secretary of State

December 6, 2000

To the President of the Senate in the One Hundred and Twentieth 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 seventh day of November in the year two thousand;

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

<u>District 1</u>	
BELANGER, DUANE J., Fort Kent	4,989
MARTIN, JOHN L., Eagle Lake	11,065
<u>District 2</u>	
KNEELAND, RICHARD, Easton	6,010
MCLAUGHLIN, EUGENE J. JR., Presque Isle	5,093
<u>District 3</u>	
EK, ROGER W., Lee	4,824
MICHAUD, MICHAEL H., East Millinocket	10,547
<u>District 4</u>	
DOLAN, ARTHUR P., Princeton	2,039
FINCH, GEORGE A., Eastport	4,688
SHOREY, KEVIN L., Calais	7,960
<u>District 5</u>	
GOLDTHWAIT, JILL M., Bar Harbor	13,781
HART, RICHARD D., Ellsworth	1,864
LYMBURNER, SUMNER A., Brooksville	4,789
<u>District 6</u>	
RUHLIN, RICHARD P., Brewer	8,084
YOUNGBLOOD, EDWARD M., Brewer	11,095

LEGISLATIVE RECORD - SENATE, WEDNESDAY, DECEMBER 6, 2000

<u>District 7</u>		<u>District 23</u>	
CATHCART, MARY R., Orono	11,479	EDMONDS, BETHEDA G., Freeport	8,773
IRELAND, DAVID C., Lincoln	5,113	SNOW, DAVID P., Yarmouth	8,614
<u>District 8</u>		TOOTHAKER, ROBERT V. III, Freeport	
DAVIS, PAUL T. SR., Sangerville	10,733		
HOWARD, LINDA CLARK, Dover-Foxcroft	5,963	<u>District 24</u>	
<u>District 9</u>		DEROUCHE, JOSEPH P., Mexico	
SAWYER, W. TOM JR., Bangor	8,857	FERGUSON, NORMAN K. JR., Hanover	
SAXL, JANE W., Bangor	6,126	<u>District 25</u>	
<u>District 10</u>		BENNETT, RICHARD A., Norway	
HAY, JEAN, Dixmont	6,040	<u>District 26</u>	
MITCHELL, BETTY LOU, Etna	12,311	KONTOS, CAROL A., Windham	
<u>District 11</u>		TURNER, KARL W., Cumberland	
FORD, JOHN A. SR., Brooks	9,815	<u>District 27</u>	
LONGLEY, SUSAN W., Liberty	9,928	ABROMSON, I. JOEL, Portland	
<u>District 12</u>		BAILEY, LOREN J., Falmouth	
POWERS, JUDITH A., Rockport	8,909	<u>District 28</u>	
SAVAGE, CHRISTINE R., Union	10,236	AKERS, FRANK G. JR., Portland	
<u>District 13</u>		RAND, ANNE M., Portland	
HATCH, PAMELA H., Skowhegan	7,205	<u>District 29</u>	
MILLS, S. PETER, Cornville	8,699	MACK, ADAM, Standish	
<u>District 14</u>		O'GARA, WILLIAM B., Westbrook	
GAGNON, KENNETH T., Waterville	9,079	<u>District 30</u>	
GAUNCE, CHARLES R., Waterville	7,587	BROMLEY, LYNN, South Portland	
<u>District 15</u>		MCCLEERY WATSON, RUTH, Cape Elizabeth	
AUSTIN, JOANN CLARK, China	5,864	<u>District 31</u>	
DAGGETT, BEVERLY C., Augusta	9,857	PENDLETON, PEGGY A., Scarborough	
<u>District 16</u>		SANGSTER, MARK H., Scarborough	
KILKELLY, MARJORIE L., Wiscasset	14,386	<u>District 32</u>	
POOLE, DIRK D., Edgecomb	7,208	LAFOUNTAIN, LLOYD P. III, Biddeford	
<u>District 17</u>		MCCULLOH, JEFFERY E., Kennebunk	
CHRISTENSEN, RUSSELL B., Temple	7,046	<u>District 33</u>	
WOODCOCK, CHANDLER E., Farmington	10,676	CARPENTER, DAVID L., Sanford	
<u>District 18</u>		TOCKMAN, JANET E., Sanford	
KAISER, JOHN M., Winthrop	6,645	<u>District 34</u>	
TREAT, SHARON, Gardiner	12,499	GEAN, DONALD H., Alfred	
<u>District 19</u>		MCALEVEY, MICHAEL J., Waterboro	
GROSE, CAROL A., Woolwich	7,605	<u>District 35</u>	
SMALL, MARY E., Bath	11,952	LEMONT, KENNETH F., Kittery	
<u>District 20</u>		WOODARD, CATHERINE, South Berwick	
COATES, ROBERT L., Litchfield	5,809	I, DAN A. GWADOSKY, Secretary of State, hereby certify that the	
NUTTING, JOHN M., Leeds	12,664	foregoing report is a true tabulation of the votes cast for State	
<u>District 21</u>		Senators at the General Election, as reported to me on the	
POULIN, LARRY J., Lewiston	4,243	returns from the cities, towns and plantations of the State.	
ROTUNDO, MARGARET, Lewiston	9,261	S/Dan A. Gwadosky	
<u>District 22</u>		Secretary of State	
DOUGLASS, NERIA R., Auburn	10,577	READ and REFERRED to the SENATE COMMITTEE ON	
VAUGHAN, MICHAEL A., Durham	6,519	SENATORIAL VOTE.	

S/Gail M. Chase, CIA
State Auditor

July 31, 2000

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 3

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

Letter of Transmittal

Senator Mark Lawrence
President of the Senate

We are please to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 1999. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of approximately \$1.5 billion in federal funds. The audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, *Audits of States, Local Governments and Non-Profit Organizations*.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Report on Compliance and on Internal Control Over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards*
- Report on Compliance With Requirements Applicable To Each Major Program, Internal Control over Compliance and on the Schedule of Expenditures of Federal Awards in Accordance With OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Corrective Action Plan
- Summary Schedule of Prior Audit Findings

In accordance with 5 M.R.S.A. §244, we are pleased to provide the results of our audit in the following executive summary.

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 1999 Single Audit of the State of Maine.

Respectfully submitted,

The Following Communication: S.C. 4

**STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL
SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION 58
AUGUSTA, MAINE 04333**

Date: September 22, 2000

To: Honorable Angus S. King, Jr., Governor
Honorable Mark W. Lawrence, President of the Senate
Honorable Steven Rowe, Speaker of the House
Honorable Michael H. Michaud, Senate Chair
Honorable Elizabeth Townsend, House Chair
Members Joint Standing Committee on Appropriations and Financial Affairs

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

Subject: Report on the forecast of revenues and expenditures for the General Fund and the Highway Fund for the FY 00-01 biennium and the FY 02-03 biennium in accordance with Title 5, section 1665, subsection 7.

The Bureau of the Budget is please to present its four year budget forecast for the General Fund and the Highway Fund for the FY 00-01 biennium and the FY 02-03 biennium in accordance with Title 5, section 1665. This effort was initiated and passed into law by the 117th Legislature as fulfillment of one of the recommendations of the Special Commission on Governmental Restructuring to provide a platform for long term financial planning.

This forecast is based on the current structure of state revenues and expenditures for both the General Fund and the Highway Fund using the results of the First Regular Session of the 119th Legislature, the November 29, 1999 revenue projection of the Revenue Forecasting Committee, the February 22, 2000 revenue reprojected of the Revenue Forecasting Committee and any General Fund and Highway Fund revenue adjustments resulting from actions of the Second Regular Session of the 119th Legislature. On the expenditure side of the equation, the forecast for both the General Fund and the Highway Fund reflects appropriation and allocation actions by both the First and Second Regular Sessions of the 119th Legislature. As such, this product should provide an objective view of revenue and expenditure trends over the long term as a basis for financial planning and decision making with respect to the General Fund and the Highway Fund.

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 5

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION ON CHILD ABUSE**

November 1, 2000

The Honorable President Mark W. Lawrence
The Honorable Speaker G. Steven Rowe
119th Maine Legislature
State House
Augusta, ME 04333

Dear President Lawrence & Speaker Rowe:

Pursuant to H.P. 1930, as amended by Committee Amendment "A", H-1135, the Commission to Study Child Abuse is pleased to submit its final report including legislation. Copies of the report have been transmitted to the Legislative Council. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Beverly C. Daggett, Senate Chair

S/Representative Patricia T. Jacobs, House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 6

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
THE JOINT STUDY COMMITTEE TO STUDY
BOMB THREATS IN MAINE SCHOOLS**

November 1, 2000

The Honorable Mark W. Lawrence
The Honorable G. Steven Rowe
119th Maine Legislature
State House
Augusta, ME 04333

Dear President Lawrence and Speaker Rowe:

This letter is to inform you that the Joint Study Committee to Study Bomb Threats in Maine Schools has submitted the attached report including recommended legislation to the Legislative Council pursuant to Joint Order, H.P. 1938. Copies of

the report have also been placed on file with the Law and Legislative Library.

Sincerely,

S/Senator Peggy Pendleton, Senate Chair

S/Representative John F. McDonough, House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 7

**STATE OF MAINE
TASK FORCE TO REDUCE THE BURDEN OF
HOME HEATING COSTS ON LOW-INCOME HOUSEHOLDS**

November 1, 2000

Honorable Mark W. Lawrence
Chair
Legislative Council
3 State House Station
Augusta, Maine 04333

Honorable G. Steven Rowe
Vice-Chair
Legislative Council
2 State House Station
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe,

On behalf of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households, it is with great pleasure that we present to you our final report, with findings and policy recommendations pursuant to Resolve 1999, Chapter 132. This report creates seven new initiatives to directly address the unmet energy needs for Maine's poorest citizens.

The Task Force's focus on energy conservation grew out of the pressing needs that resulted from recent spikes in energy prices and the realization that these energy prices will likely continue to be volatile over the foreseeable future. The Task Force to Reduce the Burden of Home Heating Costs on Low-income Households has effectively identified what we feel to be the most promising solutions for these complex issues.

In closing, we thank you for this opportunity to serve the people of the State of Maine.

Sincerely,

S/Senator Richard J. Carey Chair
S/Representative Randall L. Berry Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

ORDERS

Joint Orders

On motion by Senator **DAGGETT** of Kennebec, the following Joint Order: S.P. 1

ORDERED, the House concurring, that the Joint Rules of the 120th Legislature are as follows:

Joint Rules

Preamble. These Joint Rules are adopted pursuant to the Constitution of Maine to assist in carrying out the responsibilities of the Legislature. These rules take precedence over statutes enacted by a prior Legislature relating to the proceedings of the Legislature. A higher precedence is given to the individual chamber rules, followed by past practices and customs of the chamber.

**Part 1
General Provisions**

Rule 101. Scope.

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 Secretary of the Senate for Senate employees, the Clerk of the House for House employees and the Executive Director of the Legislative Council for other legislative employees.

Rule 106. Records of Certain Legislator Expenses.

Upon request, the presiding officer of each chamber shall provide the monthly total or annual total 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.

Rule 108. Membership on Legislative Council.

Subject to the Senate Rules, the Senate President Pro Tempore may serve in the place of the Senate President on the Legislative Council.

**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 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, a department, agency or commission after the appropriate cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor the facts supporting the request notwithstanding cloture. If a majority of the council approves, 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 legislation specifically relating to Indians and Indian land claims, may cosponsor any other legislation 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 titles of requests for bills and resolves submitted by legislators or by departments, agencies or commissions are considered public information upon filing. The legislator, department, agency or commission may direct that the title of a particular bill or resolve remain confidential until that bill or resolve is printed. The names of the sponsors 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. When a request is not accompanied by sufficient instructions, information or data, the Revisor of Statutes is directed to give written notice of inadequate information to the legislator. Upon receipt of said written notice, the legislator has 5 business days to file adequate information with the Revisor of Statutes, or the request for the bill or resolve will be denied. 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.

Each expression of legislative sentiment must contain the residency of the recipient and must, at a minimum, be cosponsored by the Senator and Representative who represent the recipient unless the Senator or Representative affirmatively declines.

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.

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. If the presiding officers provide this authorization, they shall notify the other members of the Legislative Council concurrently.

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 312-A. Constitutional Resolutions.

A committee may submit the question to be voted on under a resolution proposing to amend the Constitution of Maine to the Secretary of State for review prior to reporting the resolution out of committee with a recommendation other than "Ought Not to Pass" or "Referral to Another Committee." The Secretary of State shall apply the same standards of clarity to that question as to questions for the people's veto and initiative referenda under the Maine Revised Statutes, Title 21-A, section 906, subsection 6 and advise the committee and the sponsor of the resolution as to the recommended wording of the question.

Rule 313. Confidentiality.

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

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

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

Rule 314. Participation in Budget Hearings and Work Sessions.

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

In each year of the biennium, any budget bill submitted to the Legislature by the Governor and referred to the Joint

Standing Committee on Appropriations and Financial Affairs is subject to the following procedures.

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

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

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

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

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

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

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

Rule 315. Interim Committee Activities.

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

Subpart B Special Legislative Committees

Rule 351. Joint Select Committees.

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

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

Rule 352. Committees of Conference.

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

Rule 353. Legislative Study Committees.

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

1. Establishing study committees and commissions.

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

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

B. extend beyond the current legislative biennium.

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

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

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

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

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

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

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

Council shall review the request and promptly notify the committee of its decision.

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

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. It also shall establish budgets and provide sufficient money from the Legislative Account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.

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

Rule 354. Joint Select Committee on Joint Rules.

There is established the Joint Select Committee on Joint Rules. Notwithstanding Joint Rule 351, the committee consists of 5 Senators, appointed by the President of the Senate, and 5 members of the House of Representatives, appointed by the Speaker of the House. The first-named Senate member is the Senate chair; the first-named House member is the House chair.

The committee shall meet at least once annually and at other times agreed upon by the President of the Senate and the Speaker of the House to review the joint rules and recommend changes the committee determines necessary.

The committee shall invite the participation of the Secretary of the Senate, the Clerk of the House, the Executive Director of the Legislative Council, the Director of the Office of Fiscal and Program Review, the Director of the Office of Policy and Legal Analysis and the Director of the Office of the Revisor of Statutes. The Secretary of the Senate and the Clerk of the House shall provide necessary staffing services to the committee.

The Joint Select Committee on Joint Rules shall review and make recommendations concerning the Legislative Council. This review shall include, but not be limited to the structure and operations of the Legislative Council and possible creation of a Joint Committee on Legislative Management to replace the functions of the Legislative Council. This section of the Joint Rules may be approved by a majority vote following the report of the Joint Select Committee on Joint Rules. Any change to the title of the Legislative Council in the Joint Rules may also be changed by majority vote.

The committee shall report by October 15th, in the even numbered years with any suggested changes to the Joint Rules.

Part 4
Floor Action on Legislation

Rule 401. Printing of Bills.

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

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

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

Rule 402. Consideration of Bills.

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

Rule 403. Amendment of Bills.

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

Rule 404. Rejection of Bills.

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

Rule 405. 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 406. 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 407. 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 408. 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 and PASSED.

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

On motion by Senator **SMALL** of Sagadahoc, the following Joint Order:
S.P. 2

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, January 4, 2001, at 10:00 in the morning.

READ and PASSED.

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

On motion by Senator **TREAT** of Kennebec, the following Joint Order:
S.P. 3

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, 12 payments on a biweekly basis commencing January 3, 2001, 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 President Pro Tem **BENNETT** of Oxford, the following Joint Order:
S.P. 4

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

ORDERED, that the Executive Director of the Legislative Council be authorized and directed to provide the forms necessary for such purpose and provide suitable space in his 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 **DAGGETT** of Kennebec, the following Joint Order: S.P. 5

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 and 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 **SMALL** of Sagadahoc, the following Joint Order: S.P. 6

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 **TREAT** of Kennebec, the following Joint Order: S.P. 7

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 **DAVIS** of Piscataquis, the following Joint Order: S.P. 8

ORDERED, the House concurring, that a sufficient number of the Legislative Record for the 120th 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 the 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 **DAGGETT** of Kennebec, the following Senate Order: S.O. 11

ORDERED, the President is authorized to hire a Chief of Staff, Special Assistant, Legislative Aide, and a Senior Executive Secretary. The salary for each of these positions is to be agreed upon by the mutual consent of the President and the President Pro Tem and will serve at the pleasure of the President; and be it further

ORDERED, the President Pro Tempore is authorized to hire a Chief of Staff, Special Assistant, Legislative Aide, and a Senior Executive Secretary. The salary for each of these positions is to be agreed upon by the mutual consent of the President and the

President Pro Tem and will serve at the pleasure of the President Pro Tempore; and be it further

ORDERED, Judith M. DeFranco of Fairfield is employed to serve as the Senior Technology and Systems Support Coordinator at a pay rate no less than she received as of December 5, 2000 to serve in accordance with Senate Rule 301.8; and be it further

ORDERED, the following positions will be established in the Office of the Secretary, a Chief Calendar Clerk, Journal Clerk, Senate Reporter, Senior Executive Secretary, and Assistant Reporter/Board Operator. These positions are to be filled pursuant to Senate Rule 301.8.

READ and PASSED.

On motion by Senator **SMALL** of Sagadahoc, the following Senate Order: S.O. 7

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 **TREAT** of Kennebec, the following Senate Order: S.O. 8

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.

On motion by Senator **DAGGETT** of Kennebec, the following Senate Order: S.O. 6

ORDERED, that pursuant to Joint Rule 353, subsection 8, a special study table is established in the Senate.

READ and PASSED.

On motion by Senator **GOLDTHWAIT** of Hancock, the following Senate Order: S.O. 9

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 **DAGGETT** of Kennebec, the following Senate Order: S.O. 10

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.

Senate at Ease.

Senate called to order by the President.

At this point, a message was received from the House of Representatives borne by Representative COLWELL of Gardiner, informing the Senate that the House had organized by the choice of Representative MICHAEL V. SAXL, of Portland, as Speaker of the House, MILLICENT M. MACFARLAND, of Augusta, as Clerk of the House, and DAVID C. SHIAH, of Bowdoinham, as Assistant Clerk of the House of the 120th Legislature and was ready to transact such business as might come before the House.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by the Chair, **RECESSED** until 1:45 in the afternoon.

After Recess

Senate called to order by the President.

At this point a message was received from the House of Representatives, borne by Representative NORBERT 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 for the purpose of electing a Secretary of State for the political years 2001 and 2002, a State Treasurer for the political years 2001 and 2002, an Attorney General for the political years 2001 and 2002, and a State Auditor for the political years 2001, 2002, 2003 and 2004, at 2:00 in the afternoon.

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

Senate called to order by the President

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **SMALL** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, to Thursday, January 4, 2001, at 10:00 in the morning.