

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Second Legislature
State of Maine

Volume I

First Regular Session

December 1, 2004 - March 30, 2005

First Special Session

April 4, 2005 – May 25, 2005

Pages 1-736

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST REGULAR SESSION
1st Legislative Day
Wednesday, December 1, 2004

Pursuant to Article IV, Part 3, Section 1 of the Constitution of the State of Maine, the Representatives-Elect to the One Hundred and Twenty-Second Legislature assemble in the Hall of the House and were called to Order by MILLICENT M. MACFARLAND of Augusta, Clerk of the House of the One Hundred and Twenty-First Legislature.

Prayer by Father Edward Sheehan, St. John's Catholic Church, Brunswick.

Colors presented by Maine Troopers Association and the Maine Association of Police.

National Anthem by Shirsten Lundblad, Brunswick and Catherine Eliot, South Portland.

Pledge of Allegiance.

Doctor of the day, Stephanie Grohs, M.D., Brunswick.

COMMUNICATION

The Following Communication: (H.C. 1)

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

December 1, 2004

To Millicent M. MacFarland, Clerk of the House in the One Hundred and Twenty-first Legislature:

I, DAN A. GWADOSKY, Secretary of State, pursuant to the provisions of Title 3 MRSA, Section 1, hereby certify that the following are the names and residences of the Representatives-elect to the One Hundred and Twenty-second Legislature, in accordance with the tabulation submitted to the Governor on November 22, 2004:

District 1 TROY D. JACKSON, Fort Kent
District 2 ROSAIRE PARADIS, JR., Frenchville
District 3 WILLIAM J. SMITH, Van Buren
District 4 PETER EDGECOMB, Caribou
District 5 JEREMY FISCHER, Presque Isle
District 6 JACQUELINE A. LUNDEEN, Mars Hill
District 7 JOHN W. CHURCHILL, Washburn
District 8 ROGER L. SHERMAN, Hodgdon
District 9 HENRY L. JOY, Crystal
District 10 HERBERT E. CLARK, Millinocket
District 11 EVERETT W. MCLEOD, SR., Lee
District 12 RODERICK W. CARR, Lincoln
District 13 ROBERT S. DUCHESNE, Hudson
District 14 RICHARD D. BLANCHARD, Old Town
District 15 JACQUELINE R. NORTON, Bangor
District 16 PATRICIA A. BLANCHETTE, Bangor
District 17 SEAN F. FAIRCLOTH, Bangor
District 18 MICHAEL EDWARD DUNN, Bangor
District 19 EMILY ANN CAIN, Orono
District 20 DARREN M. HALL, Holden
District 21 CHARLES D. FISHER, Brewer
District 22 CHRISTIAN D. GREELEY, Levant
District 23 DAVID E. RICHARDSON, Carmel
District 24 DOUGLAS A. THOMAS, Ripley
District 25 JOSHUA A. TARDY, Newport
District 26 JAMES D. ANNIS, Dover-Foxcroft
District 27 EARL E. RICHARDSON, Greenville
District 28 VAUGHN A. STEDMAN, Hartland
District 29 STACEY ALLEN FITTS, Pittsfield
District 30 HOWARD E. MCFADDEN, Dennysville
District 31 ANNE C. PERRY, Calais

District 32 HAROLD IAN EMERY, Cutler
District 33 EDWARD R. DUGAY, Cherryfield
District 34 L. EARL BIERMAN, Sorrento
District 35 THEODORE S. KOFFMAN, Bar Harbor
District 36 HANNAH M. PINGREE, North Haven
District 37 JAMES M. SCHATZ, Blue Hill
District 38 ROBERT H. CROSTHWAITE, Ellsworth
District 39 BRIAN M. DUPREY, Hampden
District 40 KIMBERLEY C. ROSEN, Bucksport
District 41 R. KENNETH LINDELL, Frankfort
District 42 JEFFREY H. KAELIN, Winterport*
District 43 JAYNE CROSBY GILES, Belfast**
District 44 BARBARA E. MERRILL, Appleton
District 45 JOHN F. PIOTTI, Unity
District 46 STEPHEN L. BOWEN, Rockport
District 47 EDWARD J. MAZUREK, Rockland
District 48 CHRISTOPHER RECTOR, Thomaston
District 49 WESLEY E. RICHARDSON, Warren
District 50 A. DAVID TRAHAN, Waldoboro
District 51 JONATHAN B. MCKANE, Newcastle
District 52 ELIZABETH S. MILLER, Somerville
District 53 PETER L. RINES, Wiscasset
District 54 KENNETH C. FLETCHER, Winslow
District 55 JUDD D. THOMPSON, China
District 56 KIMBERLY J. DAVIS, Augusta
District 57 ARTHUR L. LERMAN, Augusta
District 58 WILLIAM P. BROWNE, Vassalboro
District 59 STEPHEN P. HANLEY, Gardiner
District 60 CHARLES EARL CROSBY III, Topsham
District 61 GEORGE R. BISHOP JR. Boothbay
District 62 THOMAS R. WATSON, Bath
District 63 JOHN G. RICHARDSON, Brunswick
District 64 LEILA JANE PERCY, Phippsburg
District 65 CAROL ANN GROSE, Woolwich
District 66 STANLEY J. GERZOFOSKY, Brunswick
District 67 DEBORAH J. HUTTON, Bowdoinham
District 68 THOMAS F. SHIELDS, Auburn
District 69 DEBORAH L. PELLETIER-SIMPSON, Auburn
District 70 SONYA G. SAMPSON, Auburn
District 71 ELAINE C. MAKAS, Lewiston
District 72 WILLIAM R. WALCOTT, Lewiston
District 73 LILLIAN LAFONTAINE O'BRIEN, Lewiston
District 74 MARGARET M. CRAVEN, Lewiston
District 75 SCOTT E. LANSLEY, Sabattus
District 76 MARILYN E. CANAVAN, Waterville
District 77 LISA T. MARRACHÉ, Waterville
District 78 ROBERT W. NUTTING, Oakland
District 79 EARLE L. MCCORMICK, West Gardiner
District 80 NANCY E. SMITH, Monmouth
District 81 RODNEY C. JENNINGS, Leeds
District 82 PATRICK S. FLOOD, Winthrop
District 83 STANLEY A. MOODY, Manchester
District 84 EDWARD D. FINCH, Fairfield
District 85 MAITLAND E. RICHARDSON, Skowhegan
District 86 PHILIP A. CURTIS, Madison
District 87 RAYMOND G. PINEAU, Jay
District 88 WRIGHT H. PINKHAM SR., Lexington Twp.
District 89 JANET T. MILLS, Farmington
District 90 THOMAS B. SAVIELLO, Wilton
District 91 ARLAN R. JODREY, Bethel
District 92 JOHN L. PATRICK, Rumford
District 93 RANDY E. HOTHAM, Dixfield
District 94 BRUCE Q. HANLEY, Paris
District 95 H. SAWIN MILLETT JR., Waterford

District 96 JOAN BRYANT-DESCHENES, Turner
 District 97 ROBERTA M. MUSE, Fryeburg
 District 98 RICHARD M. SYKES, Harrison
 District 99 PHILIP A. CRESSEY JR., Baldwin
 District 100 JAMES M. HAMPER, Oxford
 District 101 RICHARD M. CEBRA, Naples
 District 102 GARY W. MOORE, Standish
 District 103 JOHN C. ROBINSON, Raymond
 District 104 ROBERT A. BERUBE, Lisbon
 District 105 MICHAEL A. VAUGHAN, Durham
 District 106 DAVID C. WEBSTER, Freeport
 District 107 RICHARD WOODBURY, Yarmouth
 District 108 TERRENCE P. MCKENNEY, Cumberland
 District 109 SUSAN M. AUSTIN, Gray
 District 110 MARK E. BRYANT, Windham
 District 111 GARY E. PLUMMER, Windham
 District 112 GERALD M. DAVIS, Falmouth
 District 113 JOHN R. BRAUTIGAM, Falmouth
 District 114 BOYD P. MARLEY, Portland
 District 115 GLENN A. CUMMINGS, Portland
 District 116 CHARLES WILLIAM HARLOW, Portland
 District 117 JOSEPH C. BRANNIGAN, Portland
 District 118 JOHN M. EDER, Portland
 District 119 HERBERT C. ADAMS, Portland
 District 120 BENJAMIN F. DUDLEY, Portland
 District 121 CONSTANCE D. GOLDMAN, Cape Elizabeth
 District 122 LAWRENCE S. BLISS, South Portland
 District 123 JANE E. EBERLE, South Portland
 District 124 KEVIN J. GLYNN, South Portland
 District 125 ROBERT W. DUPLESSIE, Westbrook
 District 126 TIMOTHY E. DRISCOLL, Westbrook
 District 127 DARLENE J. CURLEY, Scarborough
 District 128 HAROLD A. CLOUGH, Scarborough
 District 129 CHRISTOPHER R. BARSTOW, Gorham
 District 130 DAVID W. FARRINGTON, Gorham
 District 131 DONALD G. MAREAN, Hollis
 District 132 GEORGE W. HOGAN SR., Old Orchard Beach
 District 133 DONALD E. PILON, Saco
 District 134 LINDA M. VALENTINO, Saco
 District 135 JOANNE T. TWOMEY, Biddeford
 District 136 STEPHEN R. BEAUDETTE, Biddeford
 District 137 H. STEDMAN SEAVEY, Kennebunkport
 District 138 JAMES J. CAMPBELL SR., Newfield
 District 139 MICHAEL J. MCALEVEY, Waterboro***
 District 140 ROBERT DAIGLE, Arundel
 District 141 CHRISTOPHER W. BABBIDGE, Kennebunk
 District 142 DAVID E. BOWLES, Sanford
 District 143 JOHN L. TUTTLE JR., Sanford
 District 144 JOAN M. NASS, Acton
 District 145 RICHARD J. BURNS, Berwick
 District 146 RICHARD B. BROWN, South Berwick
 District 147 RONALD F. COLLINS, Wells
 District 148 SARAH O. LEWIN, Eliot
 District 149 BRADLEY S. MOULTON, York
 District 150 DAVID N. OTT, York
 District 151 WALTER A. WHEELER SR., Kittery

*On election night, Jeffrey H. Kaelin led Joseph E. Brooks 2,299 to 2,293. At the conclusion of the recount, the election remains in dispute.

**On election night, Jayne Crosby Giles led Walter E. Ash, Jr. 2,572 to 2,559. At the conclusion of the recount, the election remains in dispute.

***On election night, Michael J. McAlevey led Lawrence E. Jacobsen 2,378 to 2,365. At the conclusion of the recount, the election remains in dispute.

In Testimony Whereof, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this first day of December in the year Two Thousand and Four.
 S/DAN A. GWADOSKY
 Secretary of State

READ and ORDERED PLACED ON FILE.

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

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

COMMUNICATION

The Following Communication: (H.C. 10)

BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS

DEPARTMENT OF THE SECRETARY OF STATE

November 29, 2004

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333-0002

Dear Clerk MacFarland:

At the conclusion of the recount for Representative to the Legislature, District 42, on November 22, 2004, the candidates agreed only to the original Election Night results, and that the recount remained in dispute. The Election Night results were as follows:

Joseph E. Brooks	2,293
Jeffrey H. Kaelin	2,299

However, the unofficial recount results were as follows:

Joseph E. Brooks	2,274
Jeffrey H. Kaelin	2,278
Challenged ballots	19
Disputed ballots	26

Because there are enough challenged and disputed ballots to affect the result of the election, the Maine Constitution, Article IV, Part First, Section 5, requires that the Maine House of Representatives determine the outcome of the election.

The State Police are in custody of the materials related to this election. The disputed and challenged ballots are segregated in their own tamper-proof container and can be provided to you separately from the remainder of the ballots and other materials if that is your preference.

Please contact me at 624-7734 at your earliest convenience to make arrangements for the transmittal of the recount materials.

Sincerely,

S/Julie L. Flynn

Deputy Secretary of State

2004 General Election Recount Supervisor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 11)
BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS
DEPARTMENT OF THE SECRETARY OF STATE

November 29, 2004
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333-0002
Dear Clerk MacFarland:

At the conclusion of the recount for Representative to the Legislature, District 43, on November 22, 2004, the candidates agreed only to the original Election Night results, and that the recount remained in dispute. The Election Night results were as follows:

Walter E. Ash, Jr. 2,559
Jane Crosby Giles 2,572

However, the unofficial recount results were as follows:

Walter E. Ash, Jr. 2,557
Jane Crosby Giles 2,552
Challenged ballots 8
Disputed ballots 30

Because there are enough challenged and disputed ballots to affect the result of the election, the Maine Constitution, Article IV, Part First, Section 5, requires that the Maine House of Representatives determine the outcome of the election.

The State Police are in custody of the materials related to this election. The disputed and challenged ballots are segregated in their own tamper-proof container and can be provided to you separately from the remainder of the ballots and other materials if that is your preference.

Please contact me at 624-7734 at your earliest convenience to make arrangements for the transmittal of the recount materials.

Sincerely,
S/Julie L. Flynn
Deputy Secretary of State
2004 General Election Recount Supervisor
READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 12)
BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS
DEPARTMENT OF THE SECRETARY OF STATE

November 29, 2004
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333-0002
Dear Clerk MacFarland:

At the conclusion of the recount for Representative to the Legislature, District 139, on November 22, 2004, the candidates agreed only to the original Election Night results, and that the recount remained in dispute. The Election Night results were as follows:

Lawrence E. Jacobsen 2,365
Michael J. McAlevey 2,378

However, the unofficial recount results were as follows:

Lawrence E. Jacobsen 2,418
Michael J. McAlevey 2,412
Disputed ballots 13

Because there are enough disputed ballots to affect the result of the election, the Maine Constitution, Article IV, Part First, Section 5, requires that the Maine House of Representatives determine the outcome of the election.

The State Police are in custody of the materials related to this election. The disputed and challenged ballots are segregated in their own tamper-proof container and can be provided to you separately from the remainder of the ballots and other materials if that is your preference.

Please contact me at 624-7734 at your earliest convenience to make arrangements for the transmittal of the recount materials.

Sincerely,
S/Julie L. Flynn
Deputy Secretary of State
2004 General Election Recount Supervisor
READ and ORDERED PLACED ON FILE.

On motion of Representative-Elect CUMMINGS of Portland, that Representative-Elect DUDLEY of Portland, Representative-Elect O'BRIEN of Lewiston, Representative-Elect TUTTLE of Sanford, Representative-Elect DUPLESSIE of Westbrook, Representative-Elect CURLEY of Scarborough, Representative-Elect AUSTIN of Gray, Representative-Elect TRAHAN of Waldoboro and Representative-Elect COLLINS of Wells be appointed a Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives-Elect had assembled in the Hall of the House of Representatives and requested his attendance to administer to them the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

ORDER

On motion of Representative CUMMINGS of Portland, the following House Order: (H.O. 7)

WHEREAS, at the conclusion of the recounts of election results in Districts 42, 43 and 139 there were enough disputed ballots to affect the result of the elections; and

WHEREAS, the Maine Constitution, Article IV, Part First, Section 5, therefore requires that the Maine House of Representatives determine the outcome of the elections; and

WHEREAS, the House does not now determine these disputed elections and does not now declare that any candidate was duly elected to the House seats in Districts 42, 43 and 139; now, therefore, be it

ORDERED, that Jeffrey H. Kaelin of Winterport, District 42, Jayne Crosby Giles of Belfast, District 43 and Michael J. McAlevey of Waterboro, District 139 be administered an oath of office and be permitted to temporarily assume a seat pending further action and determination and declaration of that determination by majority vote of the House, after further consideration by this House, determination of the disputed elections, and declaration of the results thereof.

READ and PASSED.

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

The Governor, the Honorable John E. Baldacci, entered and administered to the members-elect and they subscribed the oaths required by the Constitution to qualify them to discharge their official duties.

Governor **BALDACCI**: Thank you very much. Let me just say very briefly I was reminded when I was first elected to the Maine Legislature, I was fortunate at that time to have my family surrounding me and I know what an important day it is for all of them that have labored so hard on the campaign trail with you, and have been there to answer the phone calls and the concerns right alongside with you and I remember that day like it was yesterday and how important it is to them, and it's a celebration for all of you in your successes and recognition. Now the time has come where we work together, after the Oath of Office, to work for all of the citizens of our State and, Maine, we're very, very fortunate. Maine is a very unique place where people will come together and they'll help neighbors out, they'll pull together in communities whether it's an ice storm or financial difficulties and they are always able to get through it by working together and addressing the issues and challenges that we have. So we are fortunate, and we're fortunate to represent and work for the best people who deserve the highest standards and the hardest work and I know each of you are committed to doing that. So congratulations to you, congratulations to your family. It's a festive day, it's an enjoyable day, and I really appreciate the opportunity to work with you as we face the issues facing the State of Maine.

I'd ask you if you would all rise at this time and will give you the Oath of Office. Raise your right hand and repeat after me.

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

I, (members stated names), do swear that I will faithfully discharge, to the best of my abilities, the duties incumbent upon me as a Representative in the 122nd Legislature of the State of Maine, according to the Constitution and laws of this state. So help me God.

Congratulations.

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

On motion of Representative CUMMINGS of Portland, Representative DUPLESSIE of Westbrook, Representative WHEELER of Kittery, Representative PINEAU of Jay, Representative GERZOFKY of Brunswick, Representative GROSE of Woolwich, Representative CLOUGH of Scarborough and Representative DUPREY of Hampden were appointed a Committee to receive, sort and count votes for the Speaker.

The CLERK: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Madam Clerk, Members of the Maine House of Representatives. It is my honor today to introduce to you and to nominate the name of John Richardson of Brunswick. John is known among both parties as a man being skilled in negotiations, a man of commitment and a man who is ready for the statesmanlike role that he is about to play. I believe that it is true, as his own wife would say, he could talk a dog off a meat wagon. He is one of the best negotiators that I have ever met. He does it in a commitment to public service. He does it in a commitment to a greater good for the people of Maine. I have seen it time and time again.

I want to take an aside from this conversation and thank his family, specifically, from me and from us for the sacrifices that they have made for the work that he has done for the Maine people over the last six years.

Highly successful in his private practice, John could have easily have made an excellent living without pursuing the \$9,000 a year that he will make in pursuing this job. He made a second obligation beyond his family and that was, How can I make Maine a better place? In that spirit John has sacrificed hours, time, energy and commitment to making us a state that we can be proud of. I am convinced that he has every skill to make us, as a Legislature, both Republican, Democrat, Green and Independent proud to say that he will be a statesmanlike leader and will bring us great achievement and most importantly a sense of respect for us and for the people of this state.

Representative CUMMINGS of Portland moved that the name of JOHN RICHARDSON of Brunswick be placed in nomination for the Speaker of the House.

The CLERK: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative **BOWLES**: Madam Clerk, Ladies and Gentlemen of the House. As is the case with each new Legislature, we have set to embark upon a historic journey. There are many serious issues facing us. There will be many opportunities for potential disagreement and conflict. We can face these issues together in a spirit of bipartisan cooperation or we can allow our differences to disrupt us and render this body ineffective. If we allow the latter, we fail not only ourselves, but also the people of Maine.

Members of the Republican Caucus are determined that the interests of the people of Maine be well served by this House and that we begin this legislative session focused on the good we can achieve by working together. Representative Tardy and I have been meeting with Representative Richardson over the past several weeks and we have engaged in frank and productive discussions. We have each articulated our views, visions and hopes for the upcoming session. We have found that our agreement in wanting to best serve the people of Maine outweighs the policy differences that will inevitably confront us.

In supporting the nomination of Representative Richardson, we entrust him to lead this body with fairness, honesty and integrity. He has pledged to us his intention to do that. We accept his word as a man of honor. Therefore, Madam Clerk, I second the nomination of Representative John Richardson as Speaker of this House and by so doing demonstrate the intention and desire of the Republican Caucus to work with our Democrat, Independent and Green colleagues to advance the goals, hopes and aspirations of the people of Maine.

The CLERK: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative **FISCHER**: Madam Clerk, Men and Women of the House. I rise today to take a moment to look ahead to the 122nd Maine Legislature. The days before us hold great challenge, but also a great opportunity. To paraphrase Eleanor Roosevelt, "Leaders are like tea bags. They function best when put in hot water."

We returned to this capitol today thrust into plenty of hot water; large budget shortfalls, palatable frustrations of our state's tax structure, legitimate anxiety about our business climate and our continued health care crisis. Some might question why any of us would want to be a state legislator in such an environment. I am here today to tell you that it is worth every headache and

every heartache. It is the greatest job in the world and we should all be both humbled and honored by our election to this office.

To those who much is given, much is also expected. We have been given the trust of the people of the State of Maine. We are expected to deliver real results. In the coming two years, we, as a Legislature, will have to balance the views of both business and of labor. We will have to protect both our state's environment and our citizen's jobs. We will have to weigh the competing priorities of public interest versus private enterprise, investment in our physical infrastructure versus investment in our intellectual infrastructure.

In the last Legislature I was ashamed that too often at critical junctures members of both political parties got so hung up on making political points that we forgot that we were sent to Augusta to make a difference. In the coming two years our state will be pressed by many problems and only with the energy and the ideas of both parties working in concert will we find viable solutions. We must honor the east and the west of our political spectrum and the north and south of our state while coming together in the center. We may set our sights on perfection, but at the end of the day, we must plot our course for consensus and for what is best for the entire State of Maine. What is best for the entire State of Maine is to leave that partisanship and divisiveness of the last Legislature on the shore behind us and to instead cast off on our new voyage with one strong leader at the helm. He should not be your leader or their leader, but, rather, our leader. It should not matter if he is a Democrat or a Republican, a northerner or a southerner, but only that he has the capacity to steer our ship toward consensus, whether it be through stormy seas or through calm waters. I believe that our most able skipper is the distinguished Representative from Brunswick, John Richardson.

Please join me today in supporting Representative Richardson as the captain of our ship for the next two years, the Speaker of the people's house for the next Legislature. By doing so we will be plotting a new course for the coming Legislature, a course of bipartisanship, of cooperation and of consensus. We will truly be doing what is best for the entire State of Maine. Let's come together today, across party lines and across this aisle's partition and let's make it more than a fleeting act of symbolism. Let's make it the underlying tone for our deliberations during this legislative session.

Thank you Madam chair.

Representative BOWLES of Sanford and Representative FISCHER of Presque Isle seconded the motion.

Representative TUTTLE of Sanford moved that nominations cease.

On motion of Representative WHEELER of Kittery, the Committee cast one vote for the House for JOHN RICHARDSON.

The Honorable MILLICENT M. MacFARLAND, Clerk of the House of the 121st Maine Legislature, administered the necessary oath of office to qualify the Speaker of the House to enter upon the discharge of his official duties.

The House was called to order by Speaker John Richardson, of Brunswick.

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

Speaker **RICHARDSON**: Pursuant to House Rule 201, it is my pleasure to address the House. I'm so honored to be standing here today before you as the 97th Speaker of this House. First and foremost I want to thank my parents who are seated here to my left. My mother, I want to thank especially for having instilled in me the confidence that there was nothing I couldn't accomplish. To my dad, who showed me the meaning of public service, and he also taught me it has its own rewards and I want to thank him as well. To my wife Stephanie, I want to thank you for believing in me and supporting me and John, Glenn, and Maddie, you make me very, very proud and I hope that if you don't already know it some day you'll understand that I'm doing this for you.

We have a lot of hard work ahead. There's a Chinese proverb that I'd like you to consider as we move forward and it goes like this "May you live in interesting times." Well, these are definitely interesting times and it's both a blessing and a curse that we face. This is the hand that we've been dealt. It's not for the faint of heart and it's not for those who seek glory or appreciation. It's easy to be a popular leader in easy times. True leaders are those who get the work done in difficult times with little or no fanfare or credit.

The people of Maine are asking us today to be true leaders. That, we owe them. The House of Representatives that we now serve in is the body of government closest to its people. We therefore have a responsibility to be the voice of those people, to speak on their behalf forcefully with authority and conviction. As we begin this session we must restore the people's faith in this institution. The people have expectations of us and to be honest they're disappointed in us right now. For most of them they don't distinguish between parties or between the House and the Senate or the Legislature and the Chief Executive. They just doubt right now that government can get the job done and we together must prove them wrong.

What can we do to restore the people's faith here? First, we must work together. When we are done there should be no doubt that we did all in our power to deliver for the people of the State of Maine. I'm asking you for a commitment not between you or me but rather a commitment to the people of the State of Maine that sent us here. I'm asking you to speak for all of them because no citizen should be without a voice in their government. So bring your personal beliefs to this chamber and advocate for them strongly but remember in the end it is not your agenda that gains or suffers but the state's agenda that will rise or fall. Mainers are expecting a lot from us and we are capable of delivering. Let's give them the best that we have to offer, let's fight hard for what we believe in but let's not let our zeal for perfection stand in the way of what is possible and, today, necessary.

To stay focused on the work at hand we need to constantly remind ourselves of why we ever decided to run for public office. For each of us that answer to that question is different, nuanced with our own stories and role models and inspirational characters or events that shaped your life. For me that role model was my dad. My dad was a volunteer fire chief and an air traffic controller. He promoted women at a time when that was not expected. He saw social inequities and he righted them. He promoted secretaries into managers and he saw a potential that gave people the opportunity to reach it and those people never let him down. When he was ready to retire as a local fire chief I said to him, "Chief, you know, you're going to be missed. You know, you've done so much around this town that people are really going to miss you." And he said, "No, John, they won't."

He says, "Mark my words. Five minutes after I'm gone they won't remember who I am." And then I said, "Well, if that's the case why did you ever do this?" And he responded with something I'll never forget. He said, "John, if I have to tell you, if you have to ask me that question, then you don't understand the meaning of public service." Now turnaround is fair play because six years ago when I decided to run for the legislature my dad said to me "Why in the heck would you want to run for political office?" And I looked at him, waiting some twenty years for this, and said, "Dad, if you don't know the answer to that question you don't know public service."

Now looking ahead I want to share briefly with you my thoughts and hopes on two issues that matter to me in this session. They're not exclusive, there are many other issues that are very, very important. But I think the chief issue among all of us is tax reform. Property tax reform. The Maine people know that property tax reform begins with more funding for education. They passed a referendum in June to force us, the Legislature, to fund 55 percent of local education. Maine people also know that draconian tax caps that decimate local services are not the answer and they rejected the recent tax cap referendum question. You know, I think the Maine people are ahead of us and we need to jump back out there and lead again.

Maine people also know that tax reform begins with immediate tax relief to those who need it most and that an imperfect plan is better than no plan at all. If we have been listening to them, and I believe we have, we know that we must aid those people who need it most; our seniors, our working families who are looking to remain in those homes, in those communities to which they've lived and built their lives, and we must do it now. The people have started this and they are giving us one last chance to finish it. I say today let's not let them down, let's finish what they started. And I ask you today to join me in committing to vote on property tax relief, a tax reform plan, by January 20th.

I also want to say a few words about small business and entrepreneurs because they are the backbone of our economy, the foundation for our future and a key element of long-term tax relief. Because when we build our economy here and we grow jobs, we grow incomes that ease the tax burden. It is clear that we're going to grow Maine's economy and create jobs primarily from growing from within. That is the model we need to follow. Too often though, however, in trying to attempt to grow this economy we talk too often about what's wrong with Maine and if we go down that road we're sure to fulfill that dark prophecy. We need now, all of us now that the elections have settled, we need to start talking about what's right with Maine. I know from my years in the legislature and from our recent meetings with business people that much is right with Maine and our state has a bright future. I see it in a newly created Community College System with enrollment jumping 78 percent since 2000 and enrollment in degree programs up 36 percent in the last two years. I see it in a Maine where personal growth is growing faster than any other New England State and faster than the national average. I see it where unemployment has been at least 1 percent below the national average here in Maine for the last four straight years and I see it in Chris Frank, a young entrepreneur who lives in Bangor and who is in the gallery this morning. After developing a new technology as a graduate student at the University of Maine Chris set to work developing a handheld device, a sort of digital tour guide, that allows users to point at buildings or landmarks and learn what the landmark or handheld item is all about. He has a patent on groundbreaking data base technology and Chris now has four employees working with him. When Chris came to Maine from Vermont to study he

was asked by fellow students why would you want to come here, why would you want to go to school in this state? And later when he wanted to start his business, Intelligence Spatial Technologies, in Maine it was why do you want to start your business here? It was painful to hear and it's the wrong message to give to our young people. In fact, Chris says he stayed in Maine because of his entrepreneurial opportunities here. More than any one program it was the existence of all the programs in one place here in Maine. Chris says Maine wasn't his fallback position. He decided to go to the University of Maine because he saw opportunities and he decided to stay here because of the potential in Maine. The small town culture that we guard and the strong focus on entrepreneurship at the universities and throughout the state. We need more Chris Franks, not less, because he and others like him are the ones who care about Maine and they want to stay here. They don't need major tax breaks or handouts but we need to provide them the kind of training and assistance they need to succeed here in Maine. Thank you, Chris, for your excellent work and your contribution to Maine's economy. And, Chris, would you and your wife please stand and accept the appreciation of the House of Representatives.

No one party has that kind of monopoly on small business or entrepreneurship. With or without us, Maine is a state of entrepreneurs, of independent thinkers and doers who want to work and create something for themselves. Small business is about Maine, about opportunities for our children and our grandchildren and it is the financial future of success of this state. Small business transcends politics and special interests. I'm asking all of you, those now on the left and on the right of me, those who have labor interests and business interests, environmentalists, and those who seek social justice, I ask you to work with me to emphasize and promote the small business growth here in Maine. Thank you.

We are here in this chamber for a very short time and as my father said we will be forgotten very shortly after we finish our work here. But what we do here is not about our personal legacies, it's not about our individual reputations, or how history will treat us. We are here because we believe in public service and we hope that some small measure of what we do here will make a difference to the people of Maine and to those who follow us. The late Senator Paul Wellstone of Minnesota once said "Politics is not about power, politics is not about money, politics is not about winning for the sake of winning. Politics is about the improvement of people's lives. Politics is about doing well for people."

There will be times when we may forget the wisdom of those words but I will be here to remind you to always come back to our true charge; it's about the people. This is a new legislature and a new beginning and I want to wish the floor leaders, Representative Cummings and Bowles, all the best. I want to wish Representatives Duplessie and Tardy my best and remind them that their jobs they're taking on now requires patience and respect for each member of your team. And to my Democratic colleagues, my Republican colleagues, Greens, and Independents, I want to ask you to speak for what you believe in but remember this, all speaking is part of an ongoing conversation that starts with listening. I pledge to you as Speaker I will listen, I will challenge you to work together and set aside your individual agendas. I ask you to join me in restoring the people's faith and our ability to do just that. And in moving forward on the people's business and in continuing to shape a Maine that we all can be proud of and it starts today. Thank you.

On motion of Representative PINGREE of North Haven, Representative PERCY of Phippsburg, Representative LERMAN of Augusta, Representative THOMPSON of China, Representative DAVIS of Falmouth and Representative LEWIN of Eliot were appointed a Committee to receive, sort and count votes for the Clerk of the House.

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

Representative CUMMINGS: Mr. Speaker, Members of the Maine House of Representatives. It is my honor today to put into nomination the name of Millicent M. MacFarland of Augusta as Clerk of the Maine House of Representatives. Over 25 years ago I served as a page and document clerk in this very chamber. Millicent M. MacFarland was there. She had several key characteristics that we all remembered as pages and as document clerks. We could always count on her for the right answer at the right time with an honest and fair answer. Extend that out two and a half decades, she has taken what she knew then and moved it into the most important job in keeping the operations of this House alive, active and implemented every day.

If you look at Maine Statute, what are the requirements to be the Clerk of the House of Representatives? The first and the most important is you must understand in great detail what the operations and the procedures of this House are. For those of us who are incumbents, we know that occasionally our speakers, those on the floor and up on the podium, will be confused about procedure. There is a moment of silence and then there is a conference with our great Clerk. She guides us through the most complex set of procedural motions that we have. If we can't understand it, she helps us understand it. If we can't repeat it, she writes it down for us. If we have questions, she is there all the time. If you call in August or in July or in September, or you need her now, immediately, she is there. She has handled her nature as being a steward of this House with the ultimate integrity.

She has never slighted anyone because of party affiliation, ever. If you want an answer as a Republican, you get the same answer as a Democrat. If you want an answer as an Independent, you get the same one as a Green. She never waivers from that integrity. You now have two of the most important pieces of information that you need to know. She knows exactly what she is doing. She has a long history of guiding us with honesty and integrity. She does it without a concern for her own interest, but instead a higher concern of an interest in this Maine House of Representatives.

She has been a model for many of us in how we should operate here in Augusta. She has been taught by the greatest, Clerk Mayo, Clerk Pert, who have carried on a love for this institution, a unique institution from the Maine Senate, an institution that she believes in with everything in her mind and body and she has proven it time and time again.

I ask you to support the nomination of Millicent M. MacFarland of Augusta for the position of Clerk of the Maine House of Representatives.

Representative CUMMINGS of Portland moved that the name of MILLICENT M. MacFARLAND of Augusta be placed in nomination for the Clerk of the House.

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

Representative THOMPSON: Mr. Speaker, Ladies and Gentlemen of the House, honored guests. I second the nomination of Millicent M. MacFarland of Augusta for Clerk of the House and wish to speak to my second.

Ladies and gentlemen, I have known Millie for almost three years now, such a brief time, yet given the opportunity, I would prefer not to be brief in my remarks. I will be merciful. Millie has three things, among others, I believe make her the best candidate for this office.

One of three, the proven ability to perform as Clerk of this body. You have heard of her incredible list of accomplishments and qualifications. She could do this job with her eyes closed, but more importantly, she has done it with vision. She is the institutional memory of our brief legislative tenure. She is the engineer who knows every pump, turbine and valve that keeps this Ship of State moving and on course.

Two of three, Millie has an incredible ability to befriend each and every legislator that walks through that door. I'll simply ask all of you to recall your first meeting with Millie. Did you not walk away thinking, here is a friend, here is someone I can turn to, here is someone I can go to not only for good answers, but to help me figure out just what the questions were. First impressions are so important to people in our line of work, but friendship is something that, when you find, you guard with all your might.

Three of three, Millie has the stature and strength to lead and manage. There is certainly no question of Millie's administrative ability to run the Clerk's Office. Simply look at the caliber of the people who help us in that office every day. I think the most important measure of stature, strength and leadership is the level of comfort I feel when, in the heat of debate or the wee hours before sunrise, I see Millie, calm and composed standing up there and I know the foundation, the infrastructure, the engine or the whatever you want to call it, that allows us in these seats to do what we do, is running smoothly, ticking along without a hitch.

Four of three, finally, I said I would be merciful, not brief, who we pick for mentors and role models is a reflection of the kind of person, the kind of professional we become. These roles are not chosen lightly because it implies not only a transfer of skills, but a trust between two people, whole and complete. Millie studied her craft under Joe Mayo, an exceptional man, an exceptional Clerk of the House. Now, to any young person, particularly in the gallery, from Millie's Alma Mater, Erskine Academy, my child included, if you were so inclined as to choose government for a career, I can think of no better role model than Millie MacFarland. Ladies and gentlemen, please join me in voting for Millicent M. MacFarland. Thank you.

Representative THOMPSON of China seconded the motion.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you, Mr. Speaker. I move that the name of Joseph G. Carleton, Jr. of Wells be placed in nomination for the position of Clerk of the Maine House and wish to speak to my motion.

It is indeed a privilege to present a person with such outstanding qualifications for your consideration this morning for this very important post of Clerk of our House. Joseph G. Carleton, Jr. is a graduate of Dartmouth College with a degree in government. Three years later a graduate of Boston University School of Law and a practicing attorney for more than thirty years, twenty-five of which has been in Wells. From his early years as a practicing attorney he immersed himself not only in his fields of real estate and Probate Law but in the process of making that law clearer for his colleagues and himself; getting very active in publications in the field of Probate Law that you might see on the resume, which I believe has been circulated.

He engaged himself locally, very actively in his own Town of Wells and in his neighboring Town of Hollis, where for more than twenty years he has served as a moderator in Wells and

simultaneously done work in Hollis. The Parliamentary focus, I think, came into his being, encouraged him to get involved not only in his town but in this body. Running for the legislature and first being elected in 1990 and serving eight full years, leave here under the term limits law in 1998.

I remember Joe coming here as a freshman Legislator in 1990, a very contentious year. He was assigned to the Business and Insurance Committee, a committee that had prime jurisdiction over Workers' Comp reform, which was a major focus of the day. Not only did he handle his committee assignments, however, he immersed himself in doing what we all wish we had time to do, and that is to make the work of this chamber more orderly, more understandable, and more predictable in terms of the way in which we proceed and handle the many issues that come before us. Very early on he took an interest in the Rules of the House and was responsible for the adoption of modern rules, which we now abide by known as Mason's Rules of Procedure. He was the first legislator to establish a website and engaged himself very early in the field of technology as it relates to this body and us as members. He subsequently, working with the late Clerk Emeritus Joseph Mayo of Thomaston, prepared and published for our consideration a document known as The Guide to the Daily Calendar which has been distributed under a 1998 date to incoming legislators at least two years ago, and I recommend it to the newer class if it wasn't distributed earlier. It's an extremely well done and accurate description of how to proceed under the calendar and using the auspices of obviously a knowledgeable and talented Clerk. In addition to the work on rules, procedure, and parliamentary activity and his interest in technology, Joe was a leader in many other legislative fields including being a co-drafter and cosponsor of the Maine Clean Elections Law, among the first in the nation in that regard. It is indeed a pleasure to present to you a man who has not only had an interest in the work that we do for many, many years but has demonstrated to me in the last 24, 48 hours an unwavering commitment to making the job of Clerk of the House a truly bipartisan position. Echoing the words of the Majority Leader from Portland, Representative Cummings, I can't stress enough the importance of his words and I hope you'll hear mine as well; that we are so dependent on getting good sound clear advice, support, and assistance from this very important unit of ours called the Clerk's Office. And I think Joe Carleton is uniquely qualified. He brings that background and experience and I commend him to your consideration. Thank you very much.

Representative MILLETT of Waterford moved that the name of JOSEPH G. CARLETON, JR of Wells be placed in nomination for the Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Thank you, Mr. Speaker. I'd like to second the nomination of Joseph G. Carleton, Jr. of Wells for Clerk of the House and I'd like to speak to my motion.

Joseph Carleton preceded me to the Maine Legislature, Maine House of Representatives. He served here from 1990 to 1998 with a very distinguished career here in the Maine Legislature. Joe and I are from the same town, Town of Wells. As a matter of fact, Joe was part of the effort to recruit me to run for the Maine House of Representatives. I've observed Joe at many occasions, both in social and public arenas. He's the moderator of our town meetings in Wells. He has an excellent knowledge of Mason's Rules of Order, which we follow here in the Maine House of Representatives, as well as Robert's at the town meetings.

Very successful career in law. As a matter of fact he had certain thoughts about doing this but he's persuaded to throw his

hat in the ring to run for Clerk of the House primarily for his love of this institution and thinking that he could do the job, which I know he can do. He has the experience in dealing with the Maine Legislature. A vast knowledge of Mason's Rules of Order, and the integrity for the job, and to do a bipartisan job as Clerk of the House. Please give you consideration to Joseph Carleton for Clerk of the House.

Representative COLLINS of Wells seconded the motion.

Representative KOFFMAN of Bar Harbor moved that nominations cease.

At this point, a message was received from the Senate, borne by Senator BRENNAN, of Cumberland of that body, that the Senate had been duly organized by the election of the Honorable BETHEDA G. EDMONDS of Cumberland as President, JOY J. O'BRIEN as Secretary and JUDI DELFRANCO as Assistant Secretary, and the Senate was ready to transact such business as might come before it.

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

Having received a majority of the votes cast, MILLICENT M. MacFARLAND of Augusta was elected Clerk of the House.

The Speaker of the House administered the necessary oath of office to qualify the Clerk of the House to enter upon the discharge of her official duties.

On motion of Representative GERZOFKY of Brunswick, Representative THOMPSON of China, Representative WATSON of Bath, Representative FISHER of Brewer, Representative PERCY of Phippsburg and Representative WOODBURY of Yarmouth were appointed a Committee to receive, sort and count votes for Assistant Clerk of the House.

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

Representative MARRACHÉ: Mr. Speaker, Men and Women of the House. I'm very pleased to nominate Michael Cote. He has been the Sergeant at Arms while I've been down here for the last four years and served us very well. Since everybody has been using the analogy of a ship, he was the best Sergeant at Arms. He kept a tight ship and he was able to make sure that everybody had everything they needed, that they had any help that they required throughout the whole proceedings of the Legislative Session, and he has been well trained in security and was very instrumental in setting up a response team for legislators and visitors, whoever got sick or were in the House or the Senate or any other part of this building and required assistance. I am very pleased and I know that he will serve us very well. He is somebody who is welcoming to people who are on both sides of the aisle. He's non-partisan and a very pleasant person, so I hope that you all will join me in voting for him. Thank you.

Representative MARRACHÉ of Waterville moved that the name of MICHAEL J. COTE of Windsor be placed in nomination for Assistant Clerk of the House.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Dunn.

Representative DUNN: Mr. Speaker, Men and Women of the House, I second the nomination of Michael J. Cote of Windsor for Assistant Clerk of the House and I wish to speak briefly to my motion.

I need to point out I'm up here today to extol the virtues of the House staff and the Clerk's staff but there was one mistake that was made and I point that out because in the program they listed that two legislators formerly served as Legislative staff. They didn't list my name and I actually did serve as Legislative staff. I say that to simply say that eight years ago I started in this chamber. I worked as a chamber staff. My first boss in this building was Mike Cote. I came here with a degree in Political Science and I thought I knew a little bit about politics and once I got here I realized I didn't know that much at all. And here I am today having been elected and I still don't think I know a whole lot. I learned a lot from Mike. Mike really is a student of the house. Mike grew up in the shadow of the House of Representatives and as a high school student Mike volunteered as a chamber staff in this House. Mike is very qualified for the position. He has been the Sergeant at Arms for a number of years and he has treated everyone with respect and dignity.

Mike has the institutional knowledge that we need in this day of term limits. He has a deep and abiding love for this institution. In Maine we are blessed with the finest Legislature in the country and I figure it is due in large part to the people who work here. The devotion, the decorum, and traditions are important and people like Mike have fostered and nurtured these traditions over the years. As I read this morning's paper I read that Maine had the highest voter turnout in the country, almost 74 percent of eligible voters voted in this past election. I think that that shows that the Citizens of Maine are committed to the democratic process and that they place a high value on Representative Democracy.

All of us who have been elected are stewards of this democracy and we will be helped greatly in our efforts by the people that work in this building. As the people in the Clerk's Office strive to help all of us over the next two years, they will need strong leadership to accomplish their task. Mike Cote is a strong leader who will help them to help us. I am convinced that the work they do contributes to our state having one of the most responsive legislatures in the country.

A lot will change over the next two years and it will seem that very few things are consistent, but one thing that will not change is the commitment of the House Chamber Staff and the Clerk's Office to assist us as we strive to serve the Citizens of Maine. And one thing that will remain consistent will be the high level of services that we receive from these dedicated individuals. Mike is ready to step in as Assistant Clerk and help all of us on our journey. I urge all of you to join me in supporting Mike Cote as the next Assistant Clerk. Thank you.

Representative DUNN of Bangor seconded the motion.

Representative CROSBY of Topsham moved that nominations cease.

On motion of Representative GERZOFKY of Brunswick, the Committee cast one vote for the House for MICHAEL J. COTE of Windsor.

The House recessed until 1:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

COMMUNICATIONS

The Following Communication: (H.C. 9)

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

December 1, 2004

Mr. Ron S. Wheelock
2 State House Station
Augusta, ME 04333-0002

Dear Ron:

Pursuant to House Rule 201.11 (b), I am pleased to appoint you as the Sergeant-at-Arms for the 122nd Legislature. .

On behalf of the entire House membership, I would like to express our gratitude to you for the professional manner in which you carried out your duties and responsibilities as Assistant Sergeant-at-Arms and we look forward to working with you.

Sincerely,

S/John Richardson

Speaker of the House

READ and ORDERED PLACED ON FILE.

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

ORDERS

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

ORDERED, that Representative John Richardson of Brunswick be declared Speaker of the House of Representatives for a term to expire on December 6, 2006; and be it further

ORDERED, that Millicent M. MacFarland of Augusta be declared Clerk of the House of Representatives for a term to expire on December 6, 2006; and be it further

ORDERED, that Michael J. Cote of Windsor be declared Assistant Clerk of the House of Representatives for a term to expire on December 6, 2006.

READ and PASSED.

On motion of Representative DUPLESSIE of Westbrook, Representative GROSE of Woolwich, Representative CANAVAN of Waterville, Representative BRANNIGAN of Portland, Representative BLISS of South Portland, Representative DAIGLE of Arundel, Representative JODREY of Bethel, Representative BOWLES of Sanford and Representative BRYANT-DESCHENES of Turner were appointed a Committee to notify the Governor of the organization of the House.

ORDER

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

ORDERED, that the House Rules of the 121st Maine House of Representatives shall be the House Rules of the 122nd Maine House of Representatives.

READ and PASSED.

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

COMMUNICATIONS

The Following Communication: (H.C. 13)

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

December 1, 2004

Honorable Millicent M. MacFarland

Clerk of the House

122nd Legislature

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my Authority under House Rule 201.1 (J), I have appointed the following Representatives to the House Committee on Elections:

- Janet T. Mills, Farmington, Chair
- Stan Gerzofsky, Brunswick
- Patricia A. Blanchette, Bangor
- William J. Smith, Van Buren
- Joshua A. Tardy, Newport
- Roger L. Sherman, Hodgdon
- David N. Ott, York
- Kevin J. Glynn, South Portland

Sincerely,

S/John Richardson

Speaker of the House

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative CUMMINGS of Portland, the following House Order: (H.O. 8)

ORDERED, that the House Committee on Elections is authorized to hire independent counsel to assist it in the conduct of its business, subject to the approval of the Speaker of the House; and be it further

ORDERED, that the Committee shall issue its report by January 4, 2005.

READ and PASSED.

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

WHEREAS, the citizens of the State have made clear their desire for property tax reform, having placed 2 separate Citizen's Initiatives before the Legislature on property tax policy in the past 2 years; and

WHEREAS, one of these initiatives, the School Finance Act of 2003, was approved by voters in June 2004 and must be implemented by the 122nd Legislature; and

WHEREAS, Governor John E. Baldacci is expected to introduce legislation entitled "An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce

Government Spending at All Levels," H.P. 6, L.D. 1 and "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Rate of Change in Taxable Value of Homestead Land," H.P. 7, L.D. 2; and

WHEREAS, that legislation raises issues that are normally placed before several different joint standing committees of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee on Property Tax Reform, referred to in this order as "the committee," is established and consists of 4 members of the Senate appointed by the President of the Senate and 11 members of the House of Representatives appointed by the Speaker of House. The first-named Senate and House members shall serve as cochairs of the committee. The committee shall consider and make recommendations by the end of business on January 14, 2005 on legislation referred to it by the bodies.

READ and PASSED.

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

COMMUNICATIONS

The Following Communication: (H.C. 3)

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

December 1, 2004

To the Speaker of the House in the One Hundred and Twenty-second Legislature:

I, DAN A. GWADOSKY, Secretary of State, in accordance with the Constitution and laws of the State of Maine, having tabulated the returns of the votes cast for State Representatives at the General Election held on the second day of November in the year Two Thousand and Four;

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

REPRESENTATIVE TO THE LEGISLATURE

<u>District 1</u>	
BERUBE, PAUL JOSEPH, Fort Kent	1,248
JACKSON, TROY D., Fort Kent	3,486
<u>District 2</u>	
PARADIS JR., ROSAIRE, Frenchville	3,867
ST. PETER, RUDOLPH T., T 17 R5 Twp.	1,024
<u>District 3</u>	
AYOTTE, BERNARD L.A., Caswell	1,818
SMITH, WILLIAM J., Van Buren	2,205
<u>District 4</u>	
BENNETT JR., PHILIP R., Caribou	1,807
EDGECOMB, PETER, Caribou	2,148
<u>District 5</u>	
FISCHER, JEREMY, Presque Isle	2,867
SCOTT, RICHARD D., Presque Isle	1,288
<u>District 6</u>	
LUNDEEN, JACQUELINE A., Mars Hill	2,788
SPENCE, MARGARET L., Fort Fairfield	1,614
<u>District 7</u>	
CHURCHILL, JOHN W., Washburn	2,245
WOTTON, RAYMOND A., Littleton	1,982
<u>District 8</u>	
SCHOOLS, GEORGE T., Houlton	1,141
SHERMAN, ROGER L., Hodgdon	2,692
<u>District 9</u>	
CAMERON, JEANNE M., Merrill	1,490
JOY, HENRY L., Crystal	2,901

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<u>District 10</u>		PERRY, ANNE C., Calais	2,566
CLARK, HERBERT E., Millinocket	3,374	<u>District 32</u>	
KALLGREN, STUART F., Indian Purchase 4 Twp.	1,484	EMERY, HAROLD IAN, Cutler	2,311
<u>District 11</u>		PELLON, EDWARD R., Machias	1,630
BUNKER JR., GEORGE H., Kossuth Twp.	1,739	<u>District 33</u>	
KADEY, DANA W., Township #21	397	CAMBRON, CHRISTOPHER PAUL, Jonesport	1,565
MCLEOD SR., EVERETT W., Lee	1,955	DUGAY, EDWARD R., Cherryfield	2,937
<u>District 12</u>		<u>District 34</u>	
CARR, RODERICK W., Lincoln	3,096	BIERMAN, L. EARL, Sorrento	2,833
SAUCIER, BRADLEY D., Enfield	1,276	KEENAN, ARTHUR, Sullivan	1,824
<u>District 13</u>		<u>District 35</u>	
DUCHESNE, ROBERT S., Hudson	2,662	KOFFMAN, THEODORE S., Bar Harbor	3,632
HASKELL, LEON L., Greenbush	1,831	WEINBERGER JR., CASPAR, Mount Desert	1,874
<u>District 14</u>		<u>District 36</u>	
BLANCHARD, RICHARD D., Old Town	2,980	BRADFORD, JOHN C., Brooklin	1,642
GAGNON, MATTHEW OWEN, Old Town	1,530	PINGREE, HANNAH M., North Haven	3,770
<u>District 15</u>		<u>District 37</u>	
FROST, GARY L., Bangor	1,819	BLODGETT, DENIS H., Brooksville	2,098
NORTON, JACQUELINE R., Bangor	2,388	SCHATZ, JAMES M., Blue Hill	2,632
<u>District 16</u>		WEST, STEVEN D., Penobscot	876
BLANCHETTE, PATRICIA A., Bangor	2,138	<u>District 38</u>	
STIMPSON, TINA MARIE, Bangor	1,472	CROSTHWAITE, ROBERT H., Ellsworth	2,974
<u>District 17</u>		SHAW, DAN N., Ellsworth	2,135
FAIRCLOTH, SEAN F., Bangor	2,810	<u>District 39</u>	
FOWLIE JR., CLAYTON L., Bangor	1,894	DUPREY, BRIAN M., Hampden	3,004
<u>District 18</u>		POULIN, MARY E., Hampden	2,629
DUNN, MICHAEL EDWARD, Bangor	2,414	<u>District 40</u>	
FREDERICK, JASON W., Bangor	2,271	FRAZIER, SCOTT A., Bucksport	2,288
<u>District 19</u>		ROSEN, KIMBERLEY C., Bucksport	2,729
CAIN, EMILY ANN, Orono	2,833	<u>District 41</u>	
HORTON, MARK E., Orono	544	LINDELL, R. KENNETH, Frankfort	2,501
REED, WILLIAM D., Orono	1,212	PRICE, KENT A., Orland	2,449
<u>District 20</u>		<u>District 42</u>	
HALL, DARREN M., Holden	4,331	BROOKS, JOSEPH E., Winterport	2,293
<u>District 21</u>		KAELIN, JEFFREY H., Winterport	2,299*
FISHER, CHARLES D., Brewer	3,040	<u>District 43</u>	
ROGERS JR., WILLIAM T., Brewer	2,328	ASH JR., WALTER E., Belfast	2,559
<u>District 22</u>		GILES, JAYNE CROSBY, Belfast	2,572*
GREELEY, CHRISTIAN D., Levant	3,322	<u>District 44</u>	
THIEL, JAMES F., Kenduskeag	1,533	MERRILL, BARBARA E., Appleton	3,163
<u>District 23</u>		PLAUSSE, H. ROBERT, Lincolnville	2,112
RICHARDSON, DAVID E., Carmel	3,148	<u>District 45</u>	
THOMAS, RICHARD A., Hermon	2,098	BOWSER, BRETT A., Unity	1,799
<u>District 24</u>		PIOTTI, JOHN F., Unity	3,087
CLUKEY, DAVID A., Dexter	1,872	<u>District 46</u>	
THOMAS, DOUGLAS A., Ripley	2,464	BEDNER, MARC B., Camden	405
<u>District 25</u>		BOWEN, STEPHEN L., Rockport	2,709
TARDY, JOSHUA A., Newport	4,069	DORR, SUSAN, Camden	2,455
<u>District 26</u>		<u>District 47</u>	
ANNIS, JAMES D., Dover-Foxcroft	3,087	CURTIS, DOUGLAS W., Rockland	1,456
DEER FOX, MARY L., Dover-Foxcroft	1,484	MAZUREK, EDWARD J., Rockland	2,114
<u>District 27</u>		WILLIAMS, LYNNE A., Rockland	523
JONES, SHARON H. LIBBY, Greenville	2,561	<u>District 48</u>	
RICHARDSON, EARL E., Greenville	2,649	RECTOR, CHRISTOPHER, Thomaston	2,854
<u>District 28</u>		SMITH, MARY JUNE, St. George	1,876
SCOZZAFAVA, JOSEPH, Cornville	1,789	<u>District 49</u>	
STEDMAN, VAUGHN A., Hartland	2,875	EVANGELOS, JEFFREY P., Friendship	2,302
<u>District 29</u>		RICHARDSON, WESLEY E., Warren	2,417
FITTS, STACEY ALLEN, Pittsfield	2,279	<u>District 50</u>	
RING SR., JOHN F., Pittsfield	1,790	COLLAMORE, CLINTON E., Waldoboro	1,806
<u>District 30</u>		TRAHAN, A. DAVID, Waldoboro	3,170
MCFADDEN, HOWARD E., Dennysville	2,632	<u>District 51</u>	
WAKIN, JOHN M., Meddybemps	1,718	EARLE, WILLIAM M., Damariscotta	2,793
<u>District 31</u>		MCKANE, JONATHAN B., Newcastle	3,123
BURKE, WINOLA M., Calais	1,180		

LEGISLATIVE RECORD - HOUSE, December 1, 2004

<u>District 52</u>		<u>District 72</u>	
MILLER, ELIZABETH S., Somerville	2,635	JONES, MEESA G., Lewiston	1,028
SOOHEY, ROBERT S., Whitefield	2,040	WALCOTT, WILLIAM R., Lewiston	2,018
<u>District 53</u>		<u>District 73</u>	
RINES, PETER L., Wiscasset	2,945	MCCARTHY, CHRISTOPHER MARK, Lewiston	1,280
WILLARD, BILLIE G., Alna	2,172	O'BRIEN, LILLIAN LAFONTAINE, Lewiston	2,716
<u>District 54</u>		<u>District 74</u>	
FLETCHER, KENNETH C., Winslow	2,543	CRAVEN, MARGARET M., Lewiston	2,846
KEENE, W. ELERY, Winslow	1,962	PAINTER, JOHN L., Lewiston	1,367
MASSE, DONALD J., Benton	148	<u>District 75</u>	
<u>District 55</u>		GIANOPOULOS, CHRISTOS J., Greene	2,304
COTTA, H. DAVID, China	1,389	LANSLEY, SCOTT E., Sabattus	2,481
FARRINGTON, NEIL L., China	1,348	<u>District 76</u>	
THOMPSON, JUDD D., China	1,817	CANAVAN, MARILYN E., Waterville	2,654
<u>District 56</u>		TYLER, MARK A., Oakland	1,282
DAVIS, KIMBERLY J., Augusta	2,261	<u>District 77</u>	
GRANT, DAREK M., Augusta	2,248	MARRACHE, LISA T., Waterville	2,609
<u>District 57</u>		NAWFEL, ERICA M., Waterville	1,421
HEIN, MICHAEL G., Augusta	1,781	<u>District 78</u>	
LERMAN, ARTHUR L., Augusta	2,297	MCLELLAN, DENNIS J., Oakland	2,042
<u>District 58</u>		NUTTING, ROBERT W., Oakland	2,194
BROWNE, WILLIAM P., Vassalboro	2,597	SAVAGE, THERESA M., Sidney	604
CATES, PAUL B., Vassalboro	1,871	<u>District 79</u>	
<u>District 59</u>		BUSTIN, DAVID W., Hallowell	2,396
FLETCHER, CURT R., Gardiner	1,599	MCCORMICK, EARLE L., West Gardiner	2,877
HANLEY, STEPHEN P., Gardiner	2,714	<u>District 80</u>	
<u>District 60</u>		GREENWOOD, RANDALL A., Wales	2,247
CROSBY III, CHARLES EARL, Topsham	2,575	SMITH, NANCY E., Monmouth	2,591
KING, R. DANIEL, Topsham	2,169	<u>District 81</u>	
<u>District 61</u>		JENNINGS, RODNEY C., Leeds	2,411
BISHOP JR., GEORGE R., Boothbay	3,051	KNIGHT, L. GARY, Livermore Falls	2,206
MACDONALD, W. BRUCE, Boothbay	2,736	<u>District 82</u>	
<u>District 62</u>		FLOOD, PATRICK S., Winthrop	2,744
BRACKETT, KIMBERLY M., Bath	2,056	MACDONALD, WILLIAM D., Winthrop	2,610
WATSON, THOMAS R., Bath	2,378	<u>District 83</u>	
<u>District 63</u>		HENDSBEE JR., EDWARD W., Belgrade	2,446
MCKENNA, AMY L., Brunswick	1,827	MOODY, STANLEY A., Manchester	3,060
RICHARDSON, JOHN G., Brunswick	2,920	<u>District 84</u>	
<u>District 64</u>		FINCH, EDWARD D., Fairfield	2,823
CHIPMAN, ABRAHAM M., Harpswell	541	RANGER, MILES YORK, Fairfield	1,710
PERCY, LEILA JANE, Phippsburg	3,179	<u>District 85</u>	
RICH, C. MATTHEW, Harpswell	2,027	MEALEY, ROBERT B., Skowhegan	1,890
<u>District 65</u>		RICHARDSON, MAITLAND E., Skowhegan	2,415
GROSE, CAROL ANN, Woolwich	3,657	<u>District 86</u>	
TETREV, RICHARD H., Woolwich	2,360	CURTIS, PHILIP A., Madison	2,446
<u>District 66</u>		KETTERER, SUSANNE P., Madison	2,228
GERZOFSKY, STANLEY J., Brunswick	3,040	<u>District 87</u>	
MURILLO, ANDREA THIBOUTOT, Brunswick	1,490	CRANDALL, JESSE J., Mercer	1,886
<u>District 67</u>		PINEAU, RAYMOND G., Jay	3,093
HOBART, BRIAN D., Bowdoinham	2,507	<u>District 88</u>	
HUTTON, DEBORAH J., Bowdoinham	2,537	PINKHAM SR., WRIGHT H., Lexington Twp.	2,858
<u>District 68</u>		TESSIER, PAUL L., Rockwood Twp.	2,048
ADAMS, DAVID E., Auburn	1,497	<u>District 89</u>	
READING, MATTHEW G., Auburn	918	HARVELL, LANCE E., Farmington	2,264
SHIELDS, THOMAS F., Auburn	2,669	MILLS, JANET T., Farmington	2,329
<u>District 69</u>		<u>District 90</u>	
GERRY, BELINDA A., Auburn	898	LAMBERT, ROGER M., Strong	2,346
PELLETIER-SIMPSON, DEBORAH L., Auburn	1,430	SAVIELLO, THOMAS B., Wilton	2,462
POTVIN, RONALD W., Auburn	1,034	<u>District 91</u>	
<u>District 70</u>		CARTER, TIMOTHY A., Bethel	2,671
CARRIER, GUY R., Auburn	2,070	JODREY, ARLAN R., Bethel	2,727
SAMPSON, SONYA G., Auburn	2,642	<u>District 92</u>	
<u>District 71</u>		PATRICK, JOHN L., Rumford	3,115
MACDONALD, ROBERT E., Lewiston	1,673	SMITH, PAULA P., Andover	1,646
MAKAS, ELAINE C., Lewiston	2,812		

LEGISLATIVE RECORD - HOUSE, December 1, 2004

<u>District 93</u>		ELOWITCH, DAVID W., Portland	2,579
HOTHAM, RANDY E., Dixfield	2,297	<u>District 114</u>	
PETRIE, LINDA J., Mexico	2,195	LAMONTAGNE, MARC, Portland	1,566
<u>District 94</u>		MARLEY, BOYD P., Portland	3,476
HANLEY, BRUCE Q., Paris	2,483	<u>District 115</u>	
HAYES, TERESEA M., Buckfield	2,292	CUMMINGS, GLENN A., Portland	3,401
<u>District 95</u>		HILTZ, MICHAEL SHANE, Portland	1,177
GEDAT, ROY, Norway	2,366	<u>District 116</u>	
MILLETT JR., H. SAWIN, Waterford	2,460	HARLOW, CHARLES WILLIAM, Portland	1,748
<u>District 96</u>		LINSCOTT, JOHN H., Portland	912
BRYANT-DESCHENES, JOAN, Turner	2,629	TRICE, ELIZABETH, Portland	1,320
ROBERTS, KENNETH L., Turner	1,505	<u>District 117</u>	
TRUNDY, SARAH LORRAINE, Minot	747	BRANNIGAN, JOSEPH C., Portland	3,700
<u>District 97</u>		SAFARIK, JOHN W., Portland	1,109
MUSE, ROBERTA M., Fryeburg	2,882	<u>District 118</u>	
TURNER, MARLEE, Brownfield	2,198	EDER, JOHN M., Portland	2,417
<u>District 98</u>		MAGNO, ARVINA LOUISE, Portland	404
REIMER, MARGARET R., Bridgton	2,267	SUSLOVIC, EDWARD J., Portland	1,924
SYKES, RICHARD M., Harrison	3,031	<u>District 119</u>	
<u>District 99</u>		ADAMS, HERBERT C., Portland	1,667
CRESSEY JR., PHILIP A., Baldwin	2,972	SCHARF, STEVEN C., Portland	350
FULLER SR., GORDON A., Denmark	2,127	SPENCER, JEFFERY J., Portland	1,365
<u>District 100</u>		<u>District 120</u>	
DOUGHERTY, KATHLEEN M., Otisfield	1,812	BELANGER, CRAIG M., Portland	585
HAMPER, JAMES M., Oxford	2,615	CRAGIN, PAMELA J., Portland	1,503
<u>District 101</u>		DUDLEY, BENJAMIN F., Portland	2,130
CEBRA, RICHARD M., Naples	2,513	<u>District 121</u>	
POWERS, PETER J., Naples	2,416	GOLDMAN, CONSTANCE D., Cape Elizabeth	3,043
<u>District 102</u>		MOWLES JR., MICHAEL D., Cape Elizabeth	2,407
AVERY, BRUCE V., Standish	2,036	<u>District 122</u>	
MOORE, GARY W., Standish	2,468	BLISS, LAWRENCE S., South Portland	3,493
<u>District 103</u>		NIXON, PAUL R., South Portland	1,701
MORSE, DENIS A., Raymond	2,452	<u>District 123</u>	
ROBINSON, JOHN C., Raymond	2,700	CARPENTER, JUDY M., South Portland	1,886
<u>District 104</u>		EBERLE, JANE E., South Portland	3,177
BERUBE, ROBERT A., Lisbon	2,373	<u>District 124</u>	
CHIZMAR, PAUL P., Lisbon	2,201	CURRY, JASON ALAN, South Portland	1,773
<u>District 105</u>		GLYNN, KEVIN J., South Portland	2,204
LEIGHTON, GEOFFREY, Durham	2,672	<u>District 125</u>	
VAUGHAN, MICHAEL A., Durham	2,740	DUPLESSIE, ROBERT W., Westbrook	2,549
<u>District 106</u>		RODRIGUES, LAURA, Westbrook	2,263
HEALY, MICHAEL T., Freeport	2,541	<u>District 126</u>	
WEBSTER, DAVID C., Freeport	2,647	DRISCOLL, TIMOTHY E., Westbrook	1,979
<u>District 107</u>		FRANK, DEBORAH L., Westbrook	1,603
BICKNELL, BRIAN P., Yarmouth	2,109	<u>District 127</u>	
WOODBURY, RICHARD, Yarmouth	3,303	CURLEY, DARLENE J., Scarborough	3,275
<u>District 108</u>		VINES, DIANA L., Scarborough	2,007
MCKENNEY, TERENCE P., Cumberland	3,159	<u>District 128</u>	
MORIARTY, M. JANE, Cumberland	2,683	CLOUGH, HAROLD A., Scarborough	3,404
<u>District 109</u>		LEINONEN, HEIDI M.S., Scarborough	2,086
AUSTIN, SUSAN M., Gray	3,224	<u>District 129</u>	
BUNKER, STEVENS D., Gray	2,072	BARSTOW, CHRISTOPHER R., Gorham	3,162
<u>District 110</u>		REYNOLDS, ROBERT M., Gorham	2,197
BRYANT, MARK E., Windham	2,698	<u>District 130</u>	
SWANDER, DONALD E., Windham	2,244	FARRINGTON, DAVID W., Gorham	2,480
<u>District 111</u>		LOVEITT, DEBORAH ALDEN, Gorham	2,133
PERRON, JEREMY A., Windham	1,795	<u>District 131</u>	
PLUMMER, GARY E., Windham	3,096	BREAULT, BONITA J., Buxton	2,313
<u>District 112</u>		MAREAN, DONALD G., Hollis	2,636
BRIMMER, NATHAN, Falmouth	675	<u>District 132</u>	
DAVIS, GERALD M., Falmouth	3,229	HOGAN SR., GEORGE W., Old Orchard Beach	3,209
VAIL, DOLORES T., Falmouth	1,569	WEINSTEIN, NEAL L., Old Orchard Beach	1,381
<u>District 113</u>		WEYENBERG, PHILIP, Old Orchard Beach	642
BRAUTIGAM, JOHN R., Falmouth	2,634		

<u>District 133</u>	
PILON, DONALD E., Saco	2,475
SIVONEN, TARIK, Saco	317
SMIT, LINDA F., Saco	1,647
<u>District 134</u>	
DUBE, TRACYANN B., Saco	1,958
VALENTINO, LINDA M., Saco	3,010
<u>District 135</u>	
CANTARA, CRAIG H., Biddeford	1,736
TWOMEY, JOANNE T., Biddeford	2,480
<u>District 136</u>	
BEAUDETTE, STEPHEN R., Biddeford	2,338
NEVEUX, MICHAEL G., Biddeford	823
<u>District 137</u>	
RHAMES, RICHARD E., Biddeford	2,499
SEAVEY, H. STEDMAN, Kennebunkport	2,744
<u>District 138</u>	
CAMPBELL SR., JAMES J., Newfield	2,787
SLOAN, LACEY M., Limerick	2,499
<u>District 139</u>	
JACOBSEN, LAWRENCE E., Waterboro	2,365
MCALLEVEY, MICHAEL J., Waterboro	2,378*
<u>District 140</u>	
DAIGLE, ROBERT, Arundel	4,064
<u>District 141</u>	
BABBIDGE, CHRISTOPHER W., Kennebunk	3,283
MCCULLOH, JEFFERY E., Kennebunk	2,499
<u>District 142</u>	
BOLAND, ANDREA M., Sanford	2,189
BOWLES, DAVID E., Sanford	2,267
<u>District 143</u>	
DOWEY, GLENN J., Sanford	1,587
TUTTLE JR., JOHN L., Sanford	2,130
<u>District 144</u>	
CHANDLER, SALLIE, Lebanon	2,026
NASS, JOAN M., Acton	2,538
<u>District 145</u>	
BURNS, RICHARD J., Berwick	2,433
STONE, OSCAR C., Berwick	2,089
<u>District 146</u>	
BROWN, RICHARD B., South Berwick	2,542
SCHARFF, ADAM, South Berwick	2,449
<u>District 147</u>	
CALDER, SUSAN S., Wells	2,020
COLLINS, RONALD F., Wells	2,764
<u>District 148</u>	
LEWIN, SARAH O., Eliot	2,968
PAUL, ARNOLD C., Eliot	2,150
<u>District 149</u>	
MACWILLIAMS, GLEN, York	2,604
MOULTON, BRADLEY S., York	2,878
<u>District 150</u>	
MACDONALD JR., TORBERT HART, York	1,838
OTT, DAVID N., York	3,262
<u>District 151</u>	
COPLEY, JOHN H., Kittery	1,289
WHEELER SR., WALTER A., Kittery	2,836
I, DAN A. GWADOSKY, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast for State Representatives at the General Election, as reported to me on the returns from the cities, towns and plantations of the State.	
*These are election night totals. At the conclusion of the recount, the election remains in dispute.	
S/DAN A. GWADOSKY Secretary of State	

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 4)
**PENOBSCOT INDIAN NATION
 OFFICE OF THE TRIBAL CLERK
 COMMUNITY BUILDING
 INDIAN ISLAND
 OLD TOWN, MAINE 04468**

November 3, 2004
 Hon. Millicent M. MacFarland
 Clerk of the House
 Clerk's Office, Room 300
 State House
 Augusta, ME 04333
 Dear Clerk MacFarland:
 This is to certify that Michael Sockalexis was elected Representative to the State Legislature for the term of October 1, 2004 - September 30, 2006.
 The Tribal Biennial Election was held on September 11, 2004 under the provision of Chapter Four of the Penobscot Nation Laws and Ordinances.
 Sincerely,
 S/Linda Socoby
 Tribal Clerk

READ and ORDERED PLACED ON FILE.

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

At this point the Speaker appointed Representative DUPLESSIE of Westbrook to inform the Senate that the House was duly organized for business.

The Following Communication: (H.C. 2)
**STATE OF MAINE
 OFFICE OF THE
 SECRETARY OF STATE
 AUGUSTA, MAINE 04333-0148**

December 1, 2004
 Honorable Patrick Colwell
 Speaker of the House
 2 State House Station
 Augusta, ME 04333
 Dear Speaker Colwell:
 The following is a summary of the results of the November 2, 2004, Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.
 Question 1: Citizen Initiative
 Number of Votes in Favor 271,636
 Number of Votes Opposed 458,369
 Question 2: Citizen Initiative
 Number of Votes in Favor 344,322
 Number of Votes Opposed 389,455
 Sincerely,
 S/Dan A. Gwadosky
 Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 5)

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

Letter of Transmittal

Senator Beverly C. Daggett
President of the Senate
Representative Patrick Colwell
Speaker of the House of Representatives
The Honorable John E. Baldacci
Governor of Maine

We are pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2003. This report complies with the State's audit requirements, including those placed upon the State as a condition for the receipt of over \$2.2 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:

- Independent Auditor's Report
- Basic Financial Statements and Notes to the Financial Statements
- Management's Discussion and Analysis
- 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 and Internal Control over Compliance in Accordance with OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings, Questioned Costs and Corrective Action Plans
- Summary Schedule of Prior Audit Findings

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 2003 Single Audit of the State of Maine.

Respectfully submitted,

S/Gail M. Chase, CIA

State Auditor

July 30, 2004

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

The Following Communication: (H.C. 6)

**STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT**

October 1, 2004

Speaker Patrick Colwell
2 State House Station
Augusta, ME 04333-0002
Dear Speaker Colwell:

Pursuant to Title 5 §13070-J sub §4, attached is the Department of Economic and Community Development's agency report on the amount of public funds spent for the direct benefit of businesses in the State under municipal tax increment financing, and employment tax increment financing.

As required by statute the report identifies the amount of economic development incentives under the jurisdiction of the department received by each employer and the public benefit resulting from those economic development incentives. The report also includes the statutorily required information on the Maine Seed Capital Tax Credit program provided to the department by the Finance Authority of Maine.

Sincerely,
S/Peggy Schaffer
Policy Specialist

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

The Following Communication: (H.C. 7)

**STATE OF MAINE
MAINE REVENUE SERVICES
24 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0024**

October 1, 2004

Senate President Daggett

Speaker of the House Colwell

Members of the 121st Maine Legislature:

Pursuant to 5 MRSA Section 13070-J, the State Tax Assessor is required to submit a report to the legislature identifying the amount of revenues foregone as the result of the Jobs and Investment Tax Credit (JITC), the Research Expense Tax Credit (R&D), the Seed Capital Investment Tax Credit, the Shipbuilding Facility Credit, and public funds spent on the Business Property Tax Reimbursement Program (BETR). Attached are four reports providing you with this information.

The first table lists corporations that reduced their Maine income tax liability with the JITC, the R&D credit, and/or the Seed Capital credit in tax year 2002, as well as the value of the credits. Table II lists the number of individual filers that reduced their Maine income tax liability with the JITC, the R&D credit, and/or the Seed Capital credit in tax year 2002. Tax year 2002 is the last year for which we have full information on both corporate and individual filers. Statutes governing the release of confidential taxpayer information prevent us from reporting the names of the corporations or individuals that benefited from these tax credits.

The third attachment explains the Shipbuilding Facility credit. As required by statute the report provides information on the level of employment, yearly investment and the cumulative amount of investment. Since the inception of the credit, the level of employment has been such that the annual cost to the state treasury has exceeded the base credit amount of \$3 million per year.

The fourth attachment is a computer printout of BETR recipients. For purposes of this report, businesses that filed for reimbursement during calendar year 2003 are listed. BETR recipients filed between August 1, 2003 and December 31, 2003 for eligible property taxes paid during calendar year 2002.

Of the 1,912 businesses that received a BETR reimbursement, 279 received a reimbursement of \$10,000 or more, requiring them to file an Economic Development Incentive Report with DECD. Firms receiving a BETR reimbursement greater than or equal to \$10,000 represent 15% of recipients and 78% of the total BETR expenditure in calendar year 2002.

If you have any questions on this report please do not hesitate to contact me.

Sincerely,
S/Jerome D. Gerard

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

The Following Communication: (H.C. 8)
STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION 58
AUGUSTA, MAINE 04333

Date: October 15, 2004

To: Honorable John Elias Baldacci, Governor
Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
Honorable Mary R. Cathcart, Senate Chair
Honorable Joseph C. Brannigan, House Chair
Members, Joint Standing Committee on Appropriations and Financial Affairs

From: S/Ryan Low, State Budget Officer

Subject: Report on the forecast of revenues and expenditures for the General Fund and the Highway Fund for the FY 04-05 biennium and the FY 06-07 biennium in accordance with Title 5 § 1665.

The Bureau of the Budget is pleased to present its budget forecast for the General Fund and the Highway Fund for the FY 04-05 biennium and the FY 06-07 biennium in accordance with Title 5 §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 budget forecast is based on the current structure of state revenues and expenditures for both the General Fund and the Highway Fund as required by Title 5 § 1665, subsection 7. This budget forecast should provide the most consistent view of revenue and expenditure trends over the long term as a basis for financial planning and decision-making.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels" (EMERGENCY)

(H.P. 6) (L.D. 1)

Sponsored by Representative RICHARDSON of Brunswick. (GOVERNOR'S BILL)

Cosponsored by Senator EDMONDS of Cumberland.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in Taxable Value of Homestead Land

(H.P. 7) (L.D. 2)

Sponsored by Representative PERCY of Phippsburg. (GOVERNOR'S BILL)

Cosponsored by Senator DAMON of Hancock.

Joint Select Committee on **PROPERTY TAX REFORM** suggested and ordered printed.

REFERRED to the Joint Select Committee on **PROPERTY TAX REFORM** and ordered printed.

Sent for concurrence.

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

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

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

READ and **PASSED.**

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

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

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

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

READ and **PASSED.**

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

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

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

READ and **PASSED.**

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

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

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

READ and **PASSED.**

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

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

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

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

READ and PASSED.

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

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

READ and PASSED.

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

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

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

READ and PASSED.

On motion of Representative FISCHER of Presque Isle, the following House Order: (H.O. 6)

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

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

READ and PASSED.

On motion of Representative WATSON of Bath, the following House Order: (H.O. 9)

ORDERED, that the Speaker of the House is authorized, at his discretion, to permit radio or television in the Hall of the House of Representatives while the House is in session.

READ and PASSED.

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

SENATE PAPERS

The following Joint Order: (S.P. 1)

ORDERED, the House concurring, that the Joint Rules of the 121st Maine Legislature shall be the Joint Rules of the 122nd Maine Legislature. Joint Rules may be amended by a majority vote, in each chamber, on or before the third Friday in January, 2005.

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

READ and PASSED in concurrence.

SENATE PAPERS

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, 11 payments on a biweekly basis commencing January 5, 2005, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

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

READ and PASSED in concurrence.

The following Joint Order: (S.P. 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.

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

READ and PASSED in concurrence.

SENATE PAPERS

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 prepaid phone card under the direction of the Secretary of the Senate and Clerk of the House, respectively; 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 member.

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

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.

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

SENATE PAPERS

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.

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

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

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

ORDERED, the House concurring, that a sufficient number of the Legislative Record for the 122nd 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.

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

SENATE PAPERS

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

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 4, 2005, at 10:00 in the morning.

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

At this point, the Senate came and a Joint Convention was formed.

IN CONVENTION

The President of the Senate, the Honorable Beth Edmonds, in the Chair.

The Convention was called to order by the Chair.

The CHAIR: Nominations are now in order for the Office of Secretary of State for the political years 2005 & 2006.

The Chair recognizes the Representative from Farmington, Representative Mills.

Representative **MILLS**: Madam Chair, I nominate Matthew Dunlap of Old Town for the Office of Secretary of State for the political years 2005 & 2006. Matthew Dunlap, as you all know, I think, has demonstrated the qualities most appropriate for the sensitive position of Secretary of State. Let me give you a little bit of background for those of you who don't know him and haven't served with him.

Matt was born and raised on the coast of Maine, brought up on a farm. He was captain of his high school track team, attended and graduated the University of Maine at Orono, lettering in cross-country and playing a lot of chess in his leisure time. He obtained a bachelor's degree in Roman History and a master's in English. Matt Dunlap has completed the John F. Kennedy School of Government, a Senior Executives in State and Local Government Program, four years ago. For eight years Matt Dunlap has been a member of the House of Representatives and for six years he chaired the Inland Fish and Wildlife Committee. Matt, for those of us who served with him know, has become the go-to-guy on so many, many issues for people on both sides of the aisle on everything from taxes to terrorism, from education to wolves, and ATVs to Great Ponds and just about everything in-between.

I think he became our favorite Speaker Pro Tem for members of both parties in the House when he would wield the gavel with fast ferocity and even when he sometimes on whim would do things like recognize himself, make his own motion from the podium, offering his own amendments and then hammering the vote closed all with furious but fair-minded efficiency.

Matt is a civic-minded individual who co-founded the Maine Youth Fish & Game Club. He's currently Vice-President of the University of Maine's M Club and is very active in a lot of University of Maine at Orono Alumni affairs. Twice he's traveled to Russia to help solidify our relationship with Portland's sister city of Archangel. Currently he co-hosts a radio show on outdoor sports and he authors a column in the North Woods Journal which recently inspired one generous reader to make an anonymous \$500,000 contribution to Maine's Inland Fish and Wildlife Department. He is also an editor of a psychological journal. He reminds me a lot of Maine's first Secretary of State, named Ashur Ware, I believe, who was likewise a person of many, many varied interests. A student of Greek history rather than Roman history. A newspaper editor, political figure, who went on to become a federal judge and a renowned authority on maritime law.

Back to Matt, however. You should also know that he is a very devoted husband the father of a three year old daughter for whom he is a coequal parent in all respects. The person elected to be Secretary of State in recent years has been a member of the legislature but it hasn't always been so. In recent years it's been so, at least since the tenure of Mark Gartley. Since then we've chosen someone close to this body partly for the reason, I think, that the Constitution requires the person to attend to the needs and duties of the Legislature and the Governor. The Secretary of State's position is one of high confidence but not necessarily controversial or always even visible. It's not generally a steppingstone to higher office, although there are two notable exceptions. In the mid '30s a Louie Barrows became governor after being Secretary of State and of course in 1966 Ken Curtis was elected governor after serving as Secretary of State. This brings us to what are the qualifications and responsibilities of the Secretary of State? And why is Matt Dunlap, I think, uniquely and best qualified for this position?

Originally the Secretary of State was basically responsible to be the keeper of records and to attend to the Governor and the Legislature, according to Article 5, Part 2 of the Maine Constitution. This constitution being that one that's modeled on the John Adams Constitution of Massachusetts of 1780, which then became the forerunner of the United States Constitution.

We have various statutes which deal with the duties of the Secretary of State but neither the Constitution nor the statutes tell us what the qualifications of the person should be. Rather, I think and suggest, that the founders of our state and the drafters of the Maine Constitution left it to our good judgment, left it to our intuition and our knowledge of persons' characters and experience to find the person most worthy of this high position.

Since 1891 the Secretary of State has been responsible for printing and distributing ballots to towns and for accounting for the returns of elections and supervising elections. It's a rather bland sounding duty but one which we know can require the utmost patience and supreme equanimity. Since 1870 the Secretary of State has been responsible for supervising corporate documents and since 1963 it's been responsible for filing the forms under the Uniform Commercial Code and since 1965 it's been responsible for the supervision of State Archives. And since 1905 the Secretary of State has been responsible for the Bureau of Motor Vehicles, now a very significant function of that office.

The Secretary of State, the position carries the responsibility, I suggest, for the protection of people's privacy. The position has the potential to influence and facilitate the way we do business in this state, the way corporations are treated in this state. The position carries a very important public safety function with the ability to punish and deter wrongdoers who are responsible for thousands of deaths each year on our highways.

My nominee is the nominee of the Democratic Party but the position he runs for is not a Democratic position or a Republican position or a position that is expected to return favors to any party or any individual. It is a position that demands the utmost trust, sensitivity, and neutrality. It demands a person who will be responsible, intelligent, and who will remain above the fray.

As an example of when this didn't occur, I'm told by historians back in 1879 there was a hotly contested gubernatorial election and the Legislature was thrown into chaos and it was a race between a Mr. Davis and a Mr. Garcelon of Lewiston. And in the heat of the debate to decide this election a Deputy Secretary of State, who I believe his name was Sawyer, actually seized the State Seal, took off with it and threw it into the Kennebec River outside here. Well, I guarantee that my candidate's only affiliation with rivers is his fondness for fishing.

Matt is someone who doesn't need to buy those CDs of the lulling sound of a babbling brook or the call of a Loon or nature sounds of Maine to lull himself to sleep at night. He was born with these things, he was raised with these things. These things are in his soul. Matt is, by the way, a member of the Biggest Bucks of Maine Club as well. I think that's a supreme qualification, although it was the only deer he ever put to death in Maine and he had to enlist the help of two young women and a Hyundai to haul it out of the woods but that's neither here nor there.

I think Matt Dunlap has demonstrated the qualities most appropriate for this very sensitive position. In the House Election Committee he served on two years ago, he served with great fairness and appreciation for the sensitivity of the job. As Chair of the House Apportionment Commission in the last couple of years, again, he earned the respect of members of both parties in doing the job fairly and intelligently. And for six years recently

the Chair of a fairly contentious Legislative Committee where he ruled with equanimity, where he achieved bipartisan coalitions in the committee and on the floor of the House on so many controversial issues. He's earned a reputation for intelligence, wit, and fairness.

Matthew Dunlap; a student of Maine history, student of Maine politics, student of Maine people, a Renaissance type person who demonstrates wide ranging interests, a curiosity about people, a probing mind and quick wit. A gentle person who is well educated but who has also worked among the people of this state as a cook, as a weaver, a waiter, a proofreader, a bartender, an editor, a legislator, a student of humankind. Someone with a kind but incisive sense of humor, someone who understands the good that state government can do for our citizens. A person, I believe, who is fit for one of the highest offices this state has to offer. Matthew Dunlap, in short, is a worthy person, a worthy candidate. The kind of person I believe the drafters of the Constitution envisioned as being most suitable for one of Maine's most prestigious constitutional positions. I urge you to join with me in supporting Matthew Dunlap to be Maine's next Secretary of State. I say he is worthy of our vote, I say simply he will make us proud. Thank you.

On a motion by Representative MILLS of Farmington, Matthew Dunlap of Old Town was placed in nomination for the Secretary of State for the political years 2005 & 2006.

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

Representative TUTTLE: Madam Chair, I second the nomination of Matthew Dunlap for Secretary of State. It is indeed a pleasure for me to be standing here today seconding the nomination of Matthew Dunlap of Old Town for the position of Secretary of State. As many of you are aware, Matt was born and raised in Bar Harbor and graduated from Mt. Desert High School where he was captain of the track team. He attended the University of Maine and lettered in cross-country and he earned a Bachelor of Arts Degree in History and a Master's Degree in English.

He became the proofreader for the University Press and became manager of Pat's Pizza in Orono. Matt was first elected to the Legislature in 1996 representing Old Town and the Indian Island Voting District of the Penobscot Nation, winning a three-way race.

Representative Dunlap has served four terms on the Joint Standing Committee on Inland Fishery and Wildlife, with three terms as Chairman. Representative Dunlap also served as Chair of the Legislative Apportionment Commission, a commission that's very difficult, as many of us know. He was charged with redrawing every Congressional Senate, House, and County Commissioner District in the state. Matt Dunlap has served as Chair of the Old Town City Democratic Committee. He has been Speaker Pro Tem and Assisting Parliamentarian to House Clerk Millicent MacFarland. Matt is the founding member and Vice-President of Maine's Fish & Game Association. He is an active member, as you've heard before, of the Archangel Sister City Exchange and has traveled twice to the Russian Federation as a member of this Legislative Delegation. In 2000 he completed his coursework at Harvard University at the John F. Kennedy School of Government.

During Matt Dunlap's legislative career he has maintained the steadfast commitment to improve election law. He is particularly interested in advancing the programs established by Secretary of States Bill Diamond and Dan Gwadosky, encouraging young people to become active in civic life and recognizing and honoring Maine's Veterans. Matt Dunlap has earned this

position, I wholeheartedly support him, and it's my pleasure to second his nomination.

The CHAIR: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND**: Madam Chair, I also second the nomination of Matthew Dunlap for Secretary of State. Men and Women of this Joint Convention it is my pleasure to nominate Matt Dunlap for the position of Secretary of State. I had the pleasure, and I do mean pleasure, of serving with Matt Dunlap for six years in the house. He was an outstanding legislator, he was hard working, he was intelligent, he was innovative, and most of all he was honest. And I don't say this in a bad way but I think Matt will be a good bureaucrat because I think part of being a good Secretary of State is being a good bureaucrat; is making sure that the paperwork gets done, people get their licenses, and that all the administrative tasks that need to be done are done, and Matt will make sure that that happens.

But secondly, I also think he'll be a good leader. He's very articulate, he's very knowledgeable, he's good with people and most importantly, he has vision. And I think that he'll be able to elevate the position of Secretary of State to the next level so that we'll not only be proud in Maine but we'll also be a national leader in the areas under the jurisdiction of Secretary of State.

But lastly, finally, and most importantly, what I value most about Matt Dunlap is he is a person of character and people define character in different ways but some people say that character is demonstrated when nobody else is watching what you're doing. Many of us in this body have high character when people are watching what we're doing but character is truly demonstrated when nobody is watching what you're doing and I believe that Matt Dunlap has the character, the honesty, the integrity when nobody is watching to do the right thing and that's why I think he will make an outstanding Secretary of State and I encourage all of you to support his nomination. Thank you.

Representative TUTTLE of Sanford and Senator DIAMOND of Cumberland seconded that nomination.

The CHAIR: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative **TARDY**: Madam Chair, I nominate David Emery of Tenant's Harbor for the office of Secretary of State for the political years 2005 & 2006. I'm proud to put forward David Emery's name today. The Secretary of State is responsible for some of our most visible and recognizable parts of state government. Our Department of State with its approximate 450 employees and 96 million dollars in revenue provides us with a constant daily reminder that one of our most important obligations as legislators is our obligation to provide the people of Maine with the highest quality of government possible.

I respectfully suggest that for us as legislators to meet that obligation it is imperative that we select the best and the most qualified applicants and candidates to head our branches of government. David Emery's qualifications for Secretary of State are immense and impressive. He has a proven track record of success in the public and private sectors. He has proven management skills, unquestionable integrity, and the work ethic necessary to preserve, carry on, and hopefully enhance the well-deserved and great reputations that our past Secretaries of State have earned.

David is a 1970 graduate of Worcester Polytechnic Institute with a degree in Electrical Engineering. He served two terms in the State House with a blend of committee assignments that include Chairing the Legal Affairs Committee. David served four terms with distinction in the United States Congress. His steady ascent in Congress earned him a seat on the Armed Services Committee. He also served on the Science and Technology

Committee as well as the Merchant Marine and Fisheries Committee. As a member of the Armed Services Committee David Emery worked extensively on naval issues. He led a bipartisan promotion of shipbuilding programs. He helped to improve management and cost control measures for military procurement programs. He consistently advocated for government and program accountability to enable government the ability to deliver the taxpayers the best possible return on their investment.

After Congress David became Deputy Director of the US Arms Control and Disarmament Agency. David had oversight responsibility for the management of the agency along with its 200 plus employees and a budget that exceeded 350 million dollars. David Emery participated in policy formulation on such issues as US Outer Space Policy, chemical weapons treaty proposals, nuclear weapons, testing policies, and he appeared in a wide array of forums across the world.

David Emery has enjoyed success in life after Washington. He was Interim President of Thomas College and he has founded and co-owned a successful consulting firm. David has received a storage room full of awards and honors during his life. He's received honorary degrees from Thomas College, Worcester Poly, and St. Joseph College. I had the pleasure and opportunity to work closely with David during my service two years ago on the Reapportionment Commission. I witnessed firsthand David's ability to interact with others. He gets along with just about everyone. He understands the importance of process. He knows how to disagree without being disagreeable. And notwithstanding that reapportionment is at times an inherently partisan process, David worked with members of all parties; Republicans, Democrats, the Green Party, and the unenrolleds in a manner that was always fair and open. At all times he honored the process.

David fits the label as an ideal candidate for the job of Secretary of State. He will, I'm sure, manage the Department of State in a nonpartisan manner and at its highest level. He has the caliber. A career decorated with high level management experience, a career dedicated to public service. Experience should and does count. Please join me in supporting David Emery for Secretary of State. Thank you, Madam President.

On a motion by Representative TARDY of Newport, David Emery of Tenant's Harbor was placed in nomination for the Secretary of State for the political years 2005 & 2006.

The CHAIR: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Madam Chair, I second the nomination of David Emery for Secretary of State. Ladies and Gentlemen of the Joint Convention. It is an honor to second the nomination of my friend David Emery as Secretary of State for the State of Maine. Dave Emery is a constituent living in my district. Our sons attended high school together and we have opportunities to see each other at community events and socially outside of the political realm. David Emery is a highly respected and active citizen in our mid coast area. Dave Emery possesses all the critical skills that are required to maintain the trajectory of progress that's been achieved in the Office of Secretary of State. Under the able direction of Secretary Gwadosky we've made significant advancements in the utilization of technology. Maine enjoys an envied position among peer states in bringing licensing renewals and other tasks as close as our home computers. That progress has not been without bumps in the road. Increasingly we see the technical complexities mushrooming. David Emery is clearly the person to continue our progress while managing the process with his background in engineering and his extensive experience in computers and computer programming. In fact,

Congressman Emery was the first US Congressman to have a computer in his office on Capital Hill.

What other skills does Dave Emery bring to the Secretary of State's office? Dave has a proven ability to work in a nonpartisan manner to accomplish the goals of this progressive department. Dave brings a sense of fiscal prudence that assures careful stewardship of the tax dollars of Maine Citizens. As founder of his own business, David Emery knows how to think in an entrepreneurial way, looking for better answers and new insights. That spirit of entrepreneurship allows for thinking outside the box, a real plus when delivering services to our citizens. David Emery has the ability to work effectively with the Executive as well as the Legislative Branch, while being responsive to his ultimate customers, the citizens of our great state. Having served both in this body as well as serving with distinction in the United States Congress David Emery has an abundant understanding of the complexities of the legislative process. David Emery will continue to move our move into the 21st Century within the office of the Secretary of State. He will make certain that we will retain our spot as a leader in utilizing technology to deliver superior service to the citizens of Maine. David Emery will do this while undertaking management practices that carefully allocate scarce resources. Certainly even our most complex problems will pale in comparison to the skills Congressman Emery used in Cold War arms negotiations helping to keep our nation safe. David is a talented manager, he possesses technical expertise and is a thoughtful, experienced, capable leader, and a native son who knows Maine and Maine people. I can think of no one with a stronger set of skills to bring to the position of Secretary of State than David Emery as a man of exceptional and varied talents. We are lucky to have Dave ready to serve and I would urge your support of his election as our Secretary of State.

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

Senator MILLS: Madam Chair, I also second the nomination of David Emery of Tenant's Harbor for Secretary of State. My purpose in rising this afternoon is simply to highlight some points that I think are of extraordinary significance in making the choice that you must turn to in a few moments. It seems that when the Constitution was written in -- The Convention of 1819, they had a very different vision of the job of being Secretary of State. No one had any notion that we would have tens of thousands of automobiles on the road in 1820. We really had no idea that there would be corporations, thousands of them, filing papers every day in the Secretary of State's Office. And I think the founders of our state had no notion of the complexities of running elections in 492 communities and of the need for online services and computerization and the technical side of the management of the Secretary of State's Office has become. It has become one of the biggest businesses in the State of Maine and one of the most technical businesses to manage. It's an extraordinary thing. The cost of running the department is around 33 million dollars. It generates revenue three times that amount, so it's a big profit center for this business of State Government. It has 442 employees, 385 of them work just on taking care of motor vehicle issues. So it's big, it's computerized, and if you've read newspapers over the last several years or been here to witness reports from that office, one of the most significant challenges in recent history has been the effort to computerize and put those functions increasingly online so that we can reach out and be friendly to our customers, the 1.3 million people who live and work in this state.

Now I ask you to look at David Emery's resume, which is on your desk, and the highlights have been reviewed for you already and I don't need to go over them. But the man can write

computer programming in five different computer languages and speaks, for whatever it's worth, Russian and German. He had frontline duties and obligations in negotiating the end of the Cold War. He was in the organization under Reagan that actually brought that about. He's had management responsibility for hundreds of people and millions and millions of dollars of budget responsibility.

He's been successful in the private sector and he has been, most of all, a real gentleman, I think, in our associations. Most of you in this room have met him at one time or another. He had two terms here in the early '70s. Very few of you, except maybe Sawin, remember. And he had four terms in Congress and probably would still be there if he hadn't tried to take on the awesome George Mitchell in the Senate race. He's been a fine citizen of this state for all of his life. He was born in Rockland and he's a great gentleman. He's worked well with all of us regardless of your party affiliation. I know that to be true, I've been witness to much of it. He's a great joy to have up in the balcony. Frankly, he's a great joy to have here and we as a party, frankly, are just thrilled to be able to endorse him as our candidate and it really makes us appreciate being part of this Democracy today. Thank you.

Representative RECTOR of Thomaston and Senator MILLS of Somerset seconded that nomination.

On a motion by Senator BRENNAN of Cumberland, he moved that nominations cease.

The CHAIR: The Chair will appoint a Committee to receive, sort and count votes for Office of Secretary of State for the political years 2005 & 2006.

Subsequently, the Chair appointed:

The Rep. from Farmington, Rep. MILLS

The Rep. from Sanford, Rep. TUTTLE

The Sen. from Cumberland, Sen. DIAMOND

The Rep. from Newport, Rep. TARDY

The Rep. from Thomaston, Rep. RECTOR

The Sen. From Somerset, Sen. MILLS

The pending question before the Convention is the election for the Office of Secretary of State. The nominees are Matthew Dunlap of Old Town and David Emery of Tenant's Harbor.

The first ballots were distributed and the election was spoiled. Another round of ballots were distributed.

The Chair will announce the result of the second election. 184 votes having been cast, 93 votes being necessary for choice, Matthew Dunlap having received a majority of all votes cast, the Chair declared Matthew Dunlap duly elected Secretary of State for the political years 2005 & 2006.

The CHAIR: Nominations are now in order for the Office of Treasurer of the State of Maine for the political years 2005 & 2006.

The Chair recognizes the Senator from Penobscot, Senator Perry.

Senator PERRY: Madam Chair, I nominate David G. Lemoine of Old Orchard Beach for the Office of State Treasurer for the political years 2005 & 2006. Men and women of the Joint Convention it is a great personal pleasure for me to stand here today and nominate David Lemoine for the office of State Treasurer. I know of no finer public servant to fill this position. I will briefly tell you my experience with David Lemoine. I've known David for six years now. When he was first elected to the legislature he very quickly proved his leadership and in a second term was named a committee chair. In his third term he was Chair of Taxation where I sat next to him for two years and that's when I really got to know Dave and see how he operates and

see how he can run a committee, how he can bring people together. When an issue would come up, a tough issue, he could always see beyond what we were looking at at the moment, to how this would affect people down the line, even years. And that vision will be invaluable in the Treasurer's position because what we do today can have drastic effects on our bond ratings down the road. I just know of no better person qualified.

David is a first rate lawyer, a first rate legislator. Perhaps most importantly, a first rate family man and he will make a first rate treasurer and we'll be proud to call him our treasurer and I would ask everyone to give David your support. There's no one finer for the job. Thank you.

On a motion by Senator PERRY of Penobscot, David G. Lemoine of Old Orchard Beach was placed in nomination for the Office of State Treasurer for the political years 2005 & 2006.

The CHAIR: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Madam Chair, I second the nomination of David G. Lemoine for the Office of State Treasurer. I'm pleased to second the motion of David Lemoine of Old Orchard Beach for State Treasurer.

We place an awesome trust in whomever we elect to serve as Treasurer. No post is more important to the financial health of the state, so the Treasurer manages the state's cash, trust, investments, borrowing, revenue sharing, and unclaimed property, among many other things. So I was pleased to learn that David Lemoine was seeking the job. I've had the privilege to serve with David for two of the three terms he has served in this body and I've had the opportunity to observe his leadership style and I can state honestly and unequivocally that no one is better equipped to assume the role of treasurer.

As Chair of the Joint Standing Committee on Taxation David demonstrated time after time in committee hearings and in work sessions his full understanding of a broad range of treasury related issues such as revenue sharing, bond issues, the tax structure, and revenue forecasting. And besides the knowledge he has gained as Chair of Taxation, David has other strengths to bring to the Office of Treasurer. For example, his participation in a Harvard Forum on Corporate Governance held in the wake of Enron and other corporate scandals focused on ways that leaders can develop strategies to encourage companies to be more responsible and transparent. And as an attorney, David will bring legal expertise to the job, a distinct bonus given the increasing complexity that the job of managing the state's finances entails.

While David's legislative performance is testimony to his ability to grasp and articulate the most esoteric details of the state's finances, it also reflects his ability to gain the trust of members on both sides of the aisle. Put simply, people respect David Lemoine because he consistently demonstrates respect for the views of others and because he exudes honesty and however contentious the debate on any issue you can count on David to remain calm and steady, to be the voice of reason. And at this point I guess I'll have to admit I'm more than a little biased when it comes to David. I've known his folks for many years and I think the best way to describe that parent/son relationship is to restate the old cliché about the apple not falling far from the tree.

When you observe David Lemoine the professional at work and then you meet his folks, it becomes abundantly clear from whence come his values. You can't get more quintessentially Maine than David and his family. They are true salt of the earth. His dad, George, served as a Sergeant in the United States Marine Corps in his younger days and then later was an electrician, machinist, and second-generation railroad man.

Growing up, David and his brother John spent a lot of time hunting and fishing with his dad. And one year they even won first prize in the old annual Arnold Trail Fishing Derby. His mother Margaret was raised on a potato farm. She worked as a banker and later as a school librarian. Margaret's dad was a selectman in Freedom, Maine and her stories about her father's work in town government are what first sparked David's interest in public service. David played football for Waterville High's 1975 State Championship Team and later he attended Colby College majoring in Government. He then went on to law school, married Karen and they have been blessed with three wonderful children.

If I were to point to one person in the previous legislature whose life most reflects the Maine success story, that person would be David Lemoine. And I don't mean success as defined by Wall Street or by Washington, I mean success by Maine's standards. That would be someone whose integrity, strong work ethic, devotion to family, and respect for others has earned that person the respect and trust of virtually all those whose lives he has touched. Maine needs a leader of that caliber for State Treasurer and that's why I'm asking you to support David Lemoine for this very important job. Thank you.

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

Senator **HOBBS**: Madam Chair, I also second the nomination of David G. Lemoine for Office of State Treasurer. It is a great honor and privilege to second the nomination of David Lemoine. I've known David personally for twenty-five years in a professional capacity, in the political arena, and personally as a close and loyal friend.

David has gained the respect and reputation in his service as an aide to both Senators Mitchell and Muskie, but I also know him as someone who I dealt with after he attended law school and during his law school experience. In 1987 David joined my firm as a clerk and after that, when he became an attorney, he worked with me and worked closely with me for five years. I can attest that his legal skills, his relationship with his clients, and his analytical skills are superb. They were then and they are now. He is bright, he's organized, he is tedious, very good with attention to detail, he's loyal and, yes, he's frugal. He was probably the only guy in the firm that worried about counting the pennies and making sure the checkbook, and our checkbook, was balanced. He's an excellent individual, he comes from a fine background, and he will make an excellent State Treasurer. Thank you very much.

Representative **CANAVAN** of Waterville and Senator **HOBBS** of York seconded that nomination.

The CHAIR: The Chair recognizes the Representative from Dixfield, Representative Hotham.

Representative **HOTHAM**: Madam Chair, I nominate the Honorable Norman Ferguson of Hanover for the Office of State Treasurer for the political years 2005 & 2006. It is my honor today to stand and offer the name of Norman K. Ferguson, Jr. for State Treasurer of the Great State of Maine.

I've known and respected Norm and his family all of my life and I'd like to share with you the qualities I know he has that make him uniquely qualified to serve as our next State Treasurer. Norm has been an effective public servant, having spent eight years as a State Senator during which time he chaired the Legal and Veterans Affairs Committee during the 118th Legislature and served as Chairman of the Utilities and Energy Committee during the 120th Legislature. Prior to that Norm served as Oxford County Commissioner for twenty-six years, serving as its chairman several times and also during this time Norm drafted the County Budget Committee Bill, which was one of the first passed into law.

Norm has also been very involved in the communities in our part of Oxford County. He currently serves as a director of our local credit union which has assets of over 98 million dollars. This is a position he has held for several years. He's a member of the executive council of AARP-Maine, treasurer of Western Main Transportation Services and former director of the Androscoggin Valley Council of Governments. And has also served twelve years on the Hanover and Union 25 School Board.

Norm's education and work experience are important aspects of this experience that have prepared him very well to the office he seeks today. I can also tell you from personal knowledge that he comes from a very well respected family not only in Hanover and Oxford County but across the State of Maine. And some in this chamber might very well remember the name Norman K. Ferguson, Sr., who has also served as a Senator for the State of Maine as well as State Treasurer and served very, very well.

Norm has proven himself to be a tireless public servant and leader and I know that he will work as hard as he always has for his community, his county, and the Great State of Maine. And so I ask the members of this Joint Convention to join with me in voting for Norman K. Ferguson, Jr. as our next State Treasurer. Thank you.

On a motion by Representative HOTHAM of Dixfield, Norman K. Ferguson, Jr. of Hanover was placed in nomination for Office of State Treasurer for the political years 2005 & 2006.

The CHAIR: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Madam Chair, I second the nomination of Norman K. Ferguson, Jr. of Hanover for the position of State Treasurer. I won't repeat the resume background that's been stated by the Good Representative from Dixfield, Representative Hotham.

I too have known the Ferguson family for much of my life and have observed Norm in many roles in which he has exercised what I consider to be the qualities and the tools of expertise in a good fiduciary way. In addition to his local and county level experience on county government, boards like the Oxford County Federal Credit and the Androscoggin County Valley Council of Governments, Norm has had experience at his work site, over thirty-eight years at Boise Cascade and subsequent names of that corporation in Rumford, in which all of his work built upon his training at Verdetta College in the field of cash management, accounting, purchasing, and oversight of the overall financial practices of that major firm.

I also have a little bit of knowledge of his father, observing him during his years as Treasurer here in 1969 to '72. Norm Ferguson, Sr. was an institution and made major improvements in the way in which we manage our resources, how we invest our resources, how we utilize our cash to generate income, and how we handle the overall fiduciary roles of a good treasurer.

Norm was instrumental in creating the Maine Municipal Bond Bank and has spoken across the country in regard to that instrument for pooling investments on behalf of municipal and school construction. Untold millions have been saved over generations now, starting in 1972. This is the kind of guy who thinks out of the box and who has knowledge and experience and I believe the kitchen table in the Ferguson family household was a constant source of that role and that enthusiasm for managing resources and managing them well. I've observed Norm speak, and this is the father now but I'll relate it to the son, in ways where he knew firsthand by first name representatives of the major investment firms on Wall Street. He knew the names of the rating agencies and was in constant contact with them. In my years as Commissioner of Finance I've had occasion to travel

to Wall Street many times and I understand the importance of a treasurer hitting the ground running having a full and complete understanding of that broad fiscal and fiduciary role and being able to relate to people with major experience in the field of high finance.

Norm Ferguson, Sr. and Jr. both have those qualities. I can't think of a better person to hit the ground running and to actually represent us well both here in Maine and on Wall Street and I urge your consideration of his nomination.

Representative MILLETT of Waterford seconded that nomination.

On a motion by Representative PELLETIER-SIMPSON of Auburn, she moved that nominations cease.

The CHAIR: The Chair will appoint a Committee to receive, sort and count votes for Office of Treasurer for the political years 2005 & 2006.

Subsequently, the Chair appointed:

The Sen. from Penobscot, Sen. PERRY

The Rep. from Waterville, Rep. CANAVAN

The Sen. from York, Sen. HOBBS

The Rep. from Dixfield, Rep. HOTHAM

The Rep. from Waterford, Rep. MILLETT

The pending question before the Convention is the election for the Office of Treasurer. The nominees are David G. Lemoine of Old Orchard Beach and the Honorable Norman Ferguson of Hanover

The Chair will announce the result. 181 votes having been cast, 91 votes being necessary for choice, David Lemoine having received a majority of all votes cast, the Chair declared David Lemoine duly elected Treasurer of the State of Maine for the political years 2005 & 2006.

The CHAIR: Nominations are now in order for the Office of Attorney General for the political years 2005 & 2006.

The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative SMITH: Thank you, Madam Chair. I nominate the Honorable G. Steven Rowe of Portland for the Office of Attorney General for the political years 2005 & 2006. I have a wonderful speech. It's four pages long, it's passionate, it's persuasive, it's decisive. If you'd like copies of it, let me know.

I've known Steve for two years. I consider him to be a friend, as I know many of you do. Throughout his life in all phases he has proven that he knows how to put in a good day's work and then some. That trait continues today and we can count on it in the future. Now as much as we all appreciate our leaders to be good down to earth decent people, and Steve is, it takes more than that to succeed and when the situation demands it Steve is a truly extraordinary person.

Steve Rowe defends many of those in Maine without a voice; the elderly victims of abuse and exploitation, victims of domestic abuse, victims of consumer fraud, and children in need of care.

Let me close with a quote. Several years ago in a newspaper interview Steve said, "Here in Maine we don't need another cheerleader for business, we need a quarterback for the people." Ladies and gentlemen I submit to you that we have a star quarterback in our current Attorney General Steve Rowe and I say that we sign him for another season. Thank you.

On a motion by Representative SMITH of Monmouth, G. Steven Rowe of Portland was placed in nomination for the Office of Attorney General for the political years 2005 & 2006.

The CHAIR: The Chair recognizes the Senator from Kennebec, Senator Mitchell.

Senator MITCHELL: Madam Chair, I wish to second the nomination of the Honorable G. Steven Rowe of Portland for the Office of Attorney General. It's so exciting to be in this chamber with all of you and to be talking about an extraordinary man that I have known for a number of years. I have found that over the years when we're choosing candidates for any office we cannot foresee all the issues that lie ahead. So we have to make decisions based on values, decisions based on the kinds of decisions a person is likely to make. And those of you who have watched this Attorney General in action know that his hallmark is honesty, integrity, and he is so careful to make sure that everything he says is true.

I will share a very quick story with you, to me which goes to the heart of Steve, the earnest leader. When I spoke to the Democratic colleagues in our caucus when I seconded his nomination there I was talking about how he took every opportunity and carried it to its maximum potential and that he took advantage of things like even getting in shape for his high school football team by chasing the family cows to the barn. Well that sounded like a nice story. My point was simply that he made the most of every opportunity but G. Steven Rowe came to me quietly and said "Thank you very much for nominating me but I didn't play football, I played basketball." His point was don't mislead anybody, and that is how careful he is about everything he touches.

The other thing I wanted to share with you, a sample of the kinds of priorities. He listed his priorities; child protective issues, violence against families and women, and here in the Augusta area, and I just read it in the paper today, we had a very brutal tragic murder of a young mother by her husband and they're having a special vigil. She was a teacher at Cony High School and the students are putting together a special fund in memory of this beloved teacher and of this family. And I noticed that in the list of speakers, G. Steven Rowe was going to be there. He doesn't just talk about it, he's there for the people who need him.

I wanted to talk to you about several headlines to me which speak to the essence of who he is, his values, and his priorities. These are the headlines that I'll share with you. "AG Brings Civil Rights Suits Over Assault on an African-American Woman Due to Racial Violence". He doesn't tolerate mistreatment of others. "Augusta man to serve four years for selling OxyContin Near a School." He cares about kids, he cares about law and order. "AG and Hospice co-host a conference on the end of life issues." He doesn't shy away from the tough issues that face us and our legal system.

"Maine and eight other states filed Clean Air Suit against the Federal EPA." He believes we need clean air to breathe.

"Maine's tobacco companies will eliminate tobacco advertising from school editions of weekly newsmagazines." And, finally, "Rowe Sues Drug Maker for Blocking Access to Low Cost Drugs." G. Steven Rowe is a friend, he is a leader, he shares our values. As one of the oldest law students in the history of Maine I can tell you that he has an appreciation for enforcing the laws that you, the legislature, enact and he makes sure that those people without a voice are always heard. I'm very pleased to second the nomination of Steven Rowe.

The CHAIR: The Chair recognizes the Representative from Falmouth, Representative Brautigam.

Representative BRAUTIGAM: Madam Chair, I also second the nomination of G. Steven Rowe of Portland for the Office of Attorney General and wish to speak to my motion. What I hope to add is my perspective as a former Assistant Attorney General

who had the pleasure and honor of working with Attorney General Rowe on a daily basis.

Steve Rowe has been an outstanding Attorney General in large part because of his roots here in this chamber. Some of you were here when he served in the house from 1992 to 2000, the last two years as Speaker. Toward the end of his tenure Steve Rowe helped forge the innovative Maine RX program and helped Maine RX win broad bipartisan support in both chambers. When an industry group went to court to block Maine RX I was hired by then Attorney General Ketterer to assist with the legal defense. Steve Rowe took over as Attorney General a few months later and I was immediately impressed. I was impressed with his intelligence and his legislative experience that enabled him to understand the ins and outs of every law we dealt with. Most important, he understood and honored the Legislative Intention behind each program. I regarded his close working relationship with the presiding officers, the chairs of the committees, with members of the Legislature as a great asset. When one of our cases was scheduled for a hearing in the United States Supreme Court, I think it's also telling that Steve Rowe did not grab the limelight and take the case from the attorneys assigned to the case as many Attorneys General might do. Rather, he rolled up his sleeves, studied the briefs, refined our arguments and made a great contribution to our ultimate success in that case.

If you look across at the Cross Office Building late at night and that corner light is on on the 6th floor, it's not that somebody forgot to turn the light off, it's the Attorney General of Maine hard at work for the people of Maine.

And his door is always open for any employee of his office, for any legislator, for any member of the public. His work has made a real difference. When the civil rights of ethnic, religious, and other minorities are threatened, when important health and environmental safeguards are threatened, when vulnerable consumers are victimized by unfair and deceptive practices, whenever the interests of the people of Maine are on the line Attorney General Rowe is there as a vigorous and effective advocate.

Occasionally I had the good fortune to work with other state Attorneys General. At one meeting I saw a roomful of more than two dozen Attorneys General from across the country grow quiet and listen with great respect when the Attorney General of Maine stood to speak.

I can attest to Steve Rowe's reputation for integrity, dedication, fairness, and compassion. It stretches across Maine and well beyond. Madam Chair, it is our good fortune that for four years we have had Steve Rowe as our Attorney General, the lawyer for the people of Maine. I urge my colleagues in the Joint Convention to join with me to return Steve Rowe to another term as Attorney General. Thank you, Madam Chair.

Senator MITCHELL of Kennebec and Representative BRAUTIGAM of Falmouth seconded that nomination.

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

Senator MILLS: Madam Chair, I nominate William Schneider of Durham for the Office of Attorney General. Those of you in your third terms will remember Bill Schneider as he sat in this corner in his wheelchair directing traffic on behalf of the Republican minority as a whip. I come to you today to recommend him for this job because he's a great trial lawyer. He tried a lot of cases as a criminal prosecutor in both Cumberland County and Androscoggin County before he got involved in politics and came here as a representative and he has since gone back into prosecuting. He now serves in the US Attorney's Office as the Antiterrorism Coordinator for the entire District of

Maine. And he is tonight out in Colorado working with the National Guard on projects relating to the security of our nation.

He had a military career very parallel to the incumbent. He was in the Army, he was in the Special Forces. When he went to law school he had a distinguished career at the University of Maine Law School, graduated very high in his class with honors and after that became a trial lawyer and has kept up with what it means to be a trial lawyer. He goes down and participates at the Harvard Law School in their training sessions for trial lawyers. He's an active court practitioner, he knows what it means to go to court and to litigate and to get a result for a client whether that be a public client or other wise. It is for these reasons, among many others, that I recommend that you consider Bill Schneider. He's a wonderful human being. I remember him down here in this corner and in caucuses engaging both parties very fully and very amicably. He has not only a good sense of humor but he's a real gentleman of the first order and he's a good friend of mine and a good friend of many of you who are here who remember him so well.

For those reasons and many others I recommend that you consider Bill Schneider for this job. He also has the administrative experience, I might add, from some of the employments that he's had back along in the Army that would make him very well qualified to be leading a group of 70 or 80 attorneys. I believe the state's second largest law firm exists over here across through the tunnel. Thank you very much, Ladies and Gentlemen.

On a motion by Senator MILLS of Somerset, William Schneider of Durham was placed in nomination for the Office of Attorney General for the political years 2005 & 2006.

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

Representative **BOWLES**: Thank you, Madam President. I second the nomination of William Schneider of Durham for the Office of Attorney General. Ladies and Gentlemen of the House and Senate, most of us leave this institution having made literally hundreds of new friends, many of whom remain friends for our entire lives. Unfortunately on occasion our partisan differences spill over into personal animosity and discord as well. The old adage of disagreeing without being disagreeable is easy to praise but hard to emulate during the passion of the moment. In the four years of his legislative service I never heard a single member speak ill of Bill Schneider or complain of his treatment towards them. He is unfailingly polite, respectful and considerate of other people's concerns. Remarkably, for a man of his accomplishments, Bill Schneider has remained modest and unassuming and yet manages to command respect from all. He is, in short, a true leader.

You have heard of his abilities, his education, his success, and his honors. He has earned them all. I cannot imagine a more qualified and better-suited candidate for the position of Maine's Attorney General. It is therefore with great pride that I second the nomination of Bill Schneider.

Representative **BOWLES** of Sanford seconded that nomination.

On a motion by Senator **GAGNON** of Kennebec, he moved that nominations cease.

The CHAIR: The Chair will appoint a Committee to receive, sort and count votes for Office of Attorney General for the political years 2005 & 2006.

Subsequently, the Chair appointed:

The Rep. from Monmouth, Rep. **SMITH**

The Sen. from Kennebec, Sen. **MITCHELL**

The Rep. from Falmouth, Rep. **BRAUTIGAM**

The Rep. from Sanford, Rep. **BOWLES**

The Rep. from Harrison, Rep. **SYKES**

The Sen. from Somerset, Sen. **MILLS**

The pending question before the Convention is the election for the Office of Attorney General. The nominees are G. Steven Rowe of Portland and William J. Schneider of Durham for the office of Attorney General.

The Chair will announce the result. 181 votes having been cast, 91 votes being necessary for choice, G. Steven Rowe having received a majority of all votes cast, the Chair declared G. Steven Rowe duly elected Attorney General for the political years 2005 & 2006.

The CHAIR: Nominations are now in order for the Office of State Auditor for the political years 2005, 2006, 2007 & 2008.

The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Madam Chair, I nominate Neria Douglass of Auburn for Office of State Auditor for the political years 2005, 2006, 2007 & 2008.

As many of you know, Senator Douglass and I co-chaired the Education Committee over the last two years and I nominate her not out of a sense of loyalty, although I certainly feel that, but out of a sense of admiration for several of her skills.

First of all, she has one of the best minds in the Maine Legislature. I'm impressed by the fact that she graduated from one of the most prestigious law schools in the country and I'm confident of her ability to understand and analyze figures easily and well. But more importantly, she has always given us the primary values that we in the Maine Legislature always uphold, which is what is in the best interests of our state.

She was excellent with the public, she was excellent with public policy, and her mind easily got around very complex issues of school funding formula and school construction. She has the principles, she has the values, and she has the ability to understand the financials that she will need to be a good auditor.

But secondly, she has something else that will be excellent in that position. She knows the Maine Legislature, she understands what we as legislators need to be effective. She understands the budget and she is excellent at being able to communicate her ideas and thoughts, and she has several.

It is one thing to be a CPA, it is important that she have the primary financial accounting ability and I am confident that she already has the strong beginnings and foundations for just that and will have it. What is more important is the ability to understand what the auditor position can be and how to communicate that to us to add strong value to our management over the budget, which will be one of our greatest challenges in the weeks ahead. With that, I am please to nominate Neria Douglass of Auburn for State Auditor.

On a motion by Representative **CUMMINGS** of Portland, Neria R. Douglass of Auburn was placed in nomination for the State Auditor for the political years 2005, 2006, 2007 & 2008.

The CHAIR: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON**: Madam Chair, I second the nomination of Neria Douglass. Neria has been a good friend of mine and I've come to respect her a great deal. She's one of the most intelligent women I know in state government. But she also has a great deal of vibrancy that I think she will bring to this, what would be considered kind of a boring department, I would say, Department of Audit and what they do, but it doesn't have to be that.

As the previous speaker talked about I think she will bring a vibrancy to this office and be able to provide us with more

information, more in-depth information, and really open up those lines of communication between the Legislature and the Department of Audit.

I also serve as the Senate Chair of the OPEGA Group, a group that was established to conduct performance audits as opposed to financial audits. But she has a plan to make sure that there -- we might be able to work those two groups together into some type of cooperative spirit to make sure that they are not replicating responsibilities but in fact enhancing each other's roles. She has a plan for that and I applaud her for that. So I am very pleased to second the nomination of my good friend Neria Douglass. Thank you.

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

Representative **TUTTLE**: Thank you, Madam Chair. I also second the nomination of Neria Douglass of Auburn for the Office of State Auditor. It is my pleasure to second the nomination of Neria Douglass. As a Co-Chair of the Committee on Legal and Veterans Affairs for a number of years I found Neria to be one of the most intelligent, hardworking, and honorable I've served with in this institution for a number of years and I have met a lot of wonderful, hardworking, and intelligent people here.

Legislative service is a very important aspect in selecting this position, knowing the heart and soul of this institution, the aches and pains of the election process, and the legislative service. Neria Douglass has the experience, has the education, and has a great fortitude to be a good State Auditor and it is for that reason that I would second her nomination.

Senator GAGNON of Kennebec and Representative TUTTLE of Sanford seconded that motion.

The CHAIR: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Thank you, Madam Chair. I nominate Richard Foote of Cumberland for Office of State Auditor for the political years 2005, 2006, 2007 & 2008. It gives me great pleasure to place the name of Richard Foote into nomination for the Position of State Auditor.

You've had a chance to read Mr. Foote's qualifications, they're on your desk, it's on the blue sheet. I think you will agree that, by reading his resume, you find that he's eminently qualified to hold the position of State Auditor.

Mr. Foote is a constituent of mine but I cannot tell you what his political beliefs are. He's an unenrolled vote and his politics are not visible. I believe this is an admirable trait for somebody seeking a state management position and especially so for the Office of State Auditor which I don't think that we want to become partisan.

Dick Foote is a CPA with a Master's Degree in Accounting and has been the Deputy Auditor for sixteen years. He knows the office, he knows the people in it, and in short, he knows the ropes. There will be no learning curve or period of adjustment. Dick Foote is ready to step into the job right now.

In this day and age with overruns in some departments and shortfalls in our budget it becomes critically important to place a truly qualified person in the Auditor's job. We need to know where the money goes in order to spend it correctly. I know that many of us in this body support the OPEGA concept. Mr. Foote proposed an OPEGA type office, and internal auditing function, four years ago. He understands the concept and he's ready and willing to work with OPEGA once it's up and running.

Think about this for a moment, we wouldn't dream of nominating somebody who wasn't an attorney to serve as Attorney General. Why would that be any different for State Auditor? This is a position, in order to make the office run correctly, that requires a CPA and an experienced auditor in

place. Richard Foote is that person. When you cast your vote I urge you to cast it for Richard Foote.

On a motion by Representative MCKENNEY of Cumberland, Richard Foote of Cumberland was placed in nomination for the Office of State Auditor for he political years 2005, 2006, 2007 & 2008.

The CHAIR: The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER**: I second the nomination of Richard Foote of Cumberland for the Office of State Auditor. Ladies and Gentlemen of the Joint Convention, if you review the financial pages of the Wall Street Journal or even the Portland Press Herald and look over the last several years, you see names like Tyco, WorldCom, Enron, Fannie Mae, Freddie Mac, and others. All of them had significant failures in financial reporting, internal controls, and the like. You can clearly say that was a failure of management but quite frankly it was also a failure of the internal audit function of those organizations. This is a position, a significant skill position, where experience matters and experience counts. I spent several years in the banking industry and if you're a director of a bank you get to go to jail if things get screwed up in your bank and boards of directors look very carefully at the person filling an audit position. And I think that's exactly what this chamber has to do this evening as it considers who to cast its vote for, for State Auditor.

Representative McKenney has outlined the background and experience of Richard Foote. He's eminently qualified for this position. If you look at the blue sheet that's been passed around and you recall what Representative McKenney told you, he's been the Deputy Auditor here for sixteen years. He knows the ins and outs of our operations better than anybody else in the audit department.

I would also mention to you that he has been a president, a board chair of various honor societies of an internal audit nature. He's looked to for advice and guidance. He's worked on national committees providing preview work for state audit activity. He's also, in his spare time, whenever he has that, is a member of the adjunct faculty of the University of Southern Maine where he teaches internal audit classes. So we clearly have somebody eminently qualified and if this were your business and your organization, which it is, then you need to put a person highly qualified into the position and that, in my judgment, is Richard Foote and I would encourage that you support his candidacy as State Auditor. Thank you.

Senator TURNER of Cumberland seconded that motion.

On a motion by Senator BRENNAN of Cumberland, he moved that nominations cease.

The CHAIR: The Chair will appoint a Committee to receive, sort and count votes for Office of State Auditor for the political years 2005, 2006, 2007 & 2008.

Subsequently, the Chair appointed:

The Rep. from Portland, Rep. CUMMINGS

The Sen.. from Kennebec, Sen. GAGNON

The Rep. from Sanford, Rep. TUTTLE

The Rep. from Cumberland, Rep. MCKENNEY

The Sen. from Cumberland, Sen. TURNER

The pending question before the Convention is the election for the Office of State Auditor. The nominees are Neria A. Douglass of Auburn and Richard Foote of Cumberland for the Office of State Auditor.

The Chair will announce the result. 181 votes having been cast, 91 votes being necessary for choice, Neria A. Douglass having received a majority of all votes cast, the Chair declared Neria A. Douglass duly elected State Auditor for the political years 2005, 2006, 2007 & 2008.

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

The Senate then retired to its chamber.

(After the Joint Convention)

The House was called to order by the Speaker

The following communication was received in the Office of the Clerk for inclusion into the Journal and Record of the 122nd Legislature.

COMMUNICATIONS

The Following Communication: (H.C. 14)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
HEALTH CARE SYSTEM AND
HEALTH CARE SECURITY BOARD**

November 1, 2004

The Honorable Beverly C. Daggett, President
Maine Senate

The Honorable Patrick Colwell, Speaker
Maine House of Representatives
Maine State Legislature

State House
Augusta, ME 04333

Dear President Daggett and Speaker Colwell
Pursuant to Public Law 2003, chapter 492, the Health Care System and Health Security Board is pleased to submit its final report, including recommended legislation. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator John L. Martin, Chair

S/Representative Marilyn E. Canavan, Chair

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

On motion of Representative WHEELER of Kittery, the House adjourned at 7:11 p.m., until 10:00 a.m., Tuesday, January 4, 2005 pursuant to the Joint Order (S.P. 2) and in honor and lasting tribute to the Hon. Kevin M. Muse of Fryeburg.