

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME V

FIRST REGULAR SESSION

Senate

June 19, 1995 to June 30, 1995

FIRST CONFIRMATION SESSION

September 14, 1995

FIRST SPECIAL SESSION

House of Representatives

November 28, 1995 to November 30, 1995

Senate

November 28, 1995 to November 30, 1995

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY)
H.P. 516 L.D. 706

Tabled - June 13, 1995, by Senator KIEFFER of Aroostook.

Pending - FURTHER CONSIDERATION.

(In House, June 8, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AS AMENDED BY HOUSE AMENDMENT "A" (H-402), thereto.)

(In Senate, June 12, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-387), in NON-CONCURRENCE.)

(In House, June 12, 1995, ADHERED.)

Senator KIEFFER of Aroostook moved that the Senate INSIST and ASK FOR A COMMITTEE OF CONFERENCE.

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

Senator LAWRENCE: Thank you, Mr. President, Men and Women of the Senate. Just for a brief explanation of what is going on. Because of the procedural standing of the biennial budget, it's necessary for us to Insist and ask for a Committee of Conference, and the House to do the same, so that the Committee of Conference could come back and propose the budget that was voted upon by the Appropriations Committee. That will allow us to vote on that proposal and make other changes. Otherwise, we would have to kill the bill and start all over again from scratch.

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

Senator CAREY: Thank you, Mr. President. I would like to pose a question. I would direct my question to the Minority Leader. Is it my understanding, or is my understanding correct that this has already been predisposed and determined and we are just going to follow the motions and, in fact, the Revisor's Office is already preparing a Committee of Conference Report? If the Minority Leader is unable, or refuses to answer, is there anyone else in this Chamber who can answer that question?

THE PRESIDENT: The Senator from Kennebec, Senator Carey, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Could the good Senator from Kennebec, please restate his question?

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

Senator CAREY: The question simply was, is, in fact, the Revisor's Office already putting together a conference committee report? That, in fact, it's predisposed that we will be sending it down insisting? That, in fact, the other body, which I can't mention here, will in all probability agree with that? Then there will be two Committee's of Conference to discuss things and probably not agree to anything anyway?

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

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. To respond to the question from the good Senator from Kennebec, I would differ as far as the outcome of the Committee of Conference. Based on a thirteen to zero, unanimous Appropriations Committee report. Having taxed my mental faculties, as far as my memory on when was the last time I was in the legislature and had an opportunity, on a part one budget, to vote for a unanimous committee report. I cannot remember that having taken place. A lot of work has been done, and although the spin doctors being who they are, and the treatment that they dispense in the halls of the State House, and having heard from members of the so-called conservative caucus, and members of other groups saying that this is a abhorrent budget, that there is no way in the world that they can support it, having heard that type of conversation from both parties, it would lead me to believe that maybe we have something here. If both sides are saying that this is the worst thing that has ever come along, that not only did the Republicans sell the Republicans out, but the Democrats sold the Democrats out, maybe once and for all a thirteen zero report out of Committee will mean something. I'm hopeful that when the Committee of Conference meets, that they will have an opportunity to review the work that the Appropriations Committee did and voted out unanimously on Friday. I'm in hopes that whoever serves on this Committee of Conference from this Chamber, as well as from the House, will bear that in mind as they put forward their own report.

Yes, to the other question that the good Senator raised. The work that was completed by the Appropriations Committee on Friday, is being put in the form of a Committee of Conference Report, but that can also be changed, depending on who serves on this Committee of Conference, and whatever fine tunings that they may wish to put in as well. I hope that answers the good Senator's questions.

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

Senator CAREY: Thank you, Mr. President. The answer that I received confirms the facts that I was given. I will support it, because the last thing we can do really, is kill this thing. We've got to keep it alive as long as we can, otherwise there will certainly be a shutdown.

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

Senator **LAWRENCE**: Thank you, Mr. President, Men and Women of the Senate. I really don't want to make this a big complicated issue. I don't know whether anything has been drafted for the Committee of Conference, but I do know that on Friday the Secretary of the Senate, and the Clerk of the House, met to talk procedurally about what could be done at this point. The House having adhered on this bill. My understanding is that it was decided, in speaking with the former Speaker of the House, that the Senate cannot recede at this point, to roll back the bill to do any type of changes to the bill. The Senate has three choices; to adhere, to insist, or to insist and ask for a Committee of Conference. If we insist or adhere the bill dies. The only way we can keep the bill alive is to insist and ask for a Committee of Conference. Should the House join with us, then the Committee of Conference would be able to report out the report voted on by the Appropriations Committee if they wanted to. Otherwise the bill dies and we have to start all over with a whole new bill.

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

Senator **CAREY**: Thank you, Mr. President. I am reasonably familiar with parliamentary procedure, but I know there are others in here who would certainly appreciate that explanation. Thank you.

On motion by Senator **KIEFFER** of Aroostook, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

THE PRESIDENT: In reference to the action of the Senate earlier in the day, whereby it **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (Emergency) (H.P. 516 L.D. 706)

Under suspension of the Rules, the Chair appointed as conferees on the part of the Senate:

Senator **HANLEY** of Oxford.
Senator **AMERO** of Cumberland.
Senator **BUSTIN** of Kennebec.

Senate at Ease

Senate called to order by the President.

HELD BILL

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

Senator **BERUBE**: Mr. President, is the Senate in possession of "An Act to Create the Northern New England Passenger Rail Authority" S.P. 459 L.D. 1255?

THE PRESIDENT: The Chair would answer in the affirmative. The Bill having been held at the Senator's request.

On motion by Senator **BERUBE** of Androscoggin, the Senate **RECONSIDERED** its action whereby it **FAILED OF ENACTMENT**, in **NON-CONCURRENCE**:

An Act to Create the Northern New England Passenger Rail Authority (Emergency)
S.P. 459 L.D. 1255
(C "A" S-202)

(In House, June 22, 1995, **PASSED TO BE ENACTED**.)

(In Senate, June 23, 1995, **FAILED OF ENACTMENT**, in **NON-CONCURRENCE**.)

On further motion by the same Senator, Tabled until Later in Today's Session, pending **ENACTMENT**.

Senator **LAWRENCE** of York was granted unanimous consent to address the Senate off the Record.

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

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters having been held, were ordered sent forthwith.

On motion by Senator **CARPENTER** of York, **RECESSED** until 1 o'clock this afternoon.