

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

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-601), as Amended by Senate Amendment "B" (S-363), thereto, in **NON-CONCURRENCE**. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **McCORMICK:** Thank you, Mr. President. I ask for a Division on this and I just want to briefly say that this takings bill rests on a very flawed premise. If you think that any of the laws we have enacted through the democratic process are broken, then let's fix them. Never mind.

THE PRESIDENT: The pending question before the Senate is **ADOPTION** of Committee Amendment "A" (H-601), as Amended by Senate Amendment "B" (S-363), thereto, in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

22 Senators having voted in the affirmative and 2 Senators having voted in the negative, Committee Amendment "A" (H-601), as Amended by Senate Amendment "B" (S-363), thereto **ADOPTED**, in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED**, As Amended, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the sixth Tabled and Later Today Assigned (June 27, 1995) matter:

The Committee on Bills in the Second Reading reported the following:

Senate As Amended

Bill "An Act to Amend the Adoption Laws"
S.P. 515 L.D. 1400
(S "A" S-350)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As Amended.

Sent down for concurrence.

Senator **KIEFFER** of Aroostook moved to **SUSPEND THE RULES** to **EXTEND** until 10 o'clock p.m.

THE PRESIDENT: Pursuant to Joint Rule 12, the affirmative vote of two-thirds of the members present and voting is necessary to transact business after 9 o'clock p.m.

The Chair ordered a Division.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

25 Senators having voted in the affirmative and No Senator having voted in the negative, and 25 being more than two-thirds of the membership present and voting, the Rules were suspended and the following proceedings were conducted after 9 o'clock p.m.

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

On motion by Senator **KIEFFER** of Aroostook, **RECESSED** until 9:10 o'clock this evening.

After Recess

Senate called to order by the President.

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

ENACTOR

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency Mandate

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

H.P. 516 L.D. 706
(H "A" H-628)

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. I would just like to

hopefully end this evening on a positive note and let the legislature go home with a sense of renewed respect from the people of our State, having worked in a cooperative, bi-partisan manner. Having voted out of Committee, thirteen nothing, a vote that I haven't seen in many years. I could give you 134 reasons why to vote for this budget, but I won't. I'll just leave it up to you, as a State Senator representing over 35,000 people, to do what is right and to do what is best for the people of our state. I hope you will join us in enacting this budget.

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

Senator RUHLIN: Thank you, Mr. President, Honorable Senators of the State of Maine. I would just say to you tonight, the hour is late, I'm not going to debate the bill again, we debated it last night. I appreciate the efforts. It seems like many times today we would come close to an agreement, some possibility of coming together and having a document. This document tonight before us still contains a poison pill of fiscal irresponsibility. I suggest that this Senate continue to hold its head high for the citizens of the State of Maine and act for fiscal responsibility by voting against this proposed budget. Thank you.

On motion by Senator **KIEFFER** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is **ENACTMENT**.

A vote of Yes will be in favor of **ENACTMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators: ABROMSON, AMERO, BEGLEY, BENOIT, BERUBE, CARPENTER, CASSIDY, FAIRCLOTH, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, LORD, MILLS, PENDEXTER, SMALL, STEVENS, and the PRESIDENT, Senator BUTLAND

NAYS: Senators: CAREY, CIANCHETTE, CLEVELAND, ESTY, GOLDTHWAIT, HARRIMAN, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, O'DEA, PARADIS, PINGREE, RAND, RUHLIN

ABSENT: Senator: BUSTIN

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 19 Members of the Senate, with 15 Senators having voted in the negative, and 1 Senator being absent, and 19 being less than two-thirds of the entire elected Membership of the Senate, **FAILED OF ENACTMENT**.

On motion by Senator **HARRIMAN** of Cumberland, the Senate **RECONSIDERED** its action whereby the Bill **FAILED OF ENACTMENT**.

The same Senator moved to Table, pending **ENACTMENT**.

Senate at Ease

Senate called to order by the President.

On motion by Senator **HARRIMAN** of Cumberland, Tabled, pending **ENACTMENT**.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Change the Atlantic Sea Run Salmon Commission"

H.P. 922 L.D. 1298
(C "A" H-607)

In House, June 28, 1995, **PASSED TO BE ENACTED**.

In Senate, June 28, 1995, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607), in NON-CONCURRENCE**.

Comes from the House that Body having **ADHERED**.

Senator **RUHLIN** of Penobscot moved that the Senate **ADHERE**.

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

Senator RUHLIN: Thank you, Mr. President. Earlier today the Senate stripped an amendment off this proposed legislation. There was some confusion between both bodies on what is going on. I believe that this bill is not in a position to be passed and become adequate law for the people of the State of Maine. I would therefore move that we Adhere, which in effect means that the two bodies disagree. Thank you.