

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

**Senate**

May 19, 1993 to July 14, 1993

**FIRST CONFIRMATION SESSION**

October 14, 1993

**Senate As Amended**

Bill "An Act to Develop and Expand Markets for Recycled Materials"

S.P. 229 L.D. 700  
(C "A" S-226)

Bill "An Act Establishing Weapons License Reciprocity"

S.P. 388 L.D. 1183  
(C "A" S-209)

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

Sent down for concurrence.

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

**Non-concurrent Matter**

HOUSE REPORTS - from the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto

H.P. 948 L.D. 1277

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-338)**

In House, May 24, 1993, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338) AS AMENDED BY HOUSE AMENDMENT "A" (H-393)** thereto.

In Senate, May 25, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

Senator **ESTY** of Cumberland moved that the Senate **ADHERE.**

Senator **HANLEY** of Oxford moved that the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

The Chair ordered a Division.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If I can just take you back to a few days ago when we debated this issue of a line item veto, we discussed at length the reasonable and moderate aspect of this legislation. Let me remind you, there are 44 States that currently have a line item veto. Only 5 of those States require a majority override, the remaining 39 States

require either a two-thirds or a three-fifths vote of the chamber to override the veto. This chamber made a responsible decision when it voted for the line item veto. By allowing the Governor to have a line item veto you have required the Governor to be accountable to the budget as well as the legislature. The line item veto, as it is relayed in this particular piece of legislation, would require each individual item to be held out and to be voted on on a majority vote. The Governor could not lump in ten different items and have those voted on. Now men and women of the Senate, I ask you this, if an item can't survive in the budget by a simple majority vote should it be there in the first place? My answer is definitely not. This is a positive measure that will end gridlock, it will hold the Governor accountable to the budget as well as the legislature. It will be an end to the backroom budget deal that the people of the State of Maine despise. Why are we not at least taking this reasonable, moderate effort to join in the Committee of Conference. Why are we trying to scuttle this right at this juncture? I would ask this chamber to join in the Committee of Conference so that we can maybe address some of the concerns that members of this chamber who aren't in favor of the line item veto, address those concerns and come forward with a line item veto, and join the rest of the States who require accountability from both the legislative branch and the executive branch. Mr. President I request a Roll Call.

On motion by Senator **HANLEY** of Oxford, 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 the motion of Senator **HANLEY** of Oxford to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

A vote of Yes will be in favor of **INSISTING** and **JOINING IN A COMMITTEE OF CONFERENCE.**

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 **AMERO, BALDACCI, BEGLEY, BUTLAND, CARPENTER, CIANCHETTE, CLEVELAND, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, SUMMERS, WEBSTER**

**NAYS:** Senators **BERUBE, BRANNIGAN, BUSTIN, CAREY, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

**ABSENT:** Senators **CAHILL, MARDEN, O'DEA**

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator **HANLEY** of Oxford, to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE, FAILED.**

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **ADHERE.**

Senator **WEBSTER** of Franklin requested a Division.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by same Senator to **ADHERE**.

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**Non-concurrent Matter**

Bill "An Act to Abolish the Castine Water District"

H.P. 1006 L.D. 1352  
(C "A" H-344)

In Senate, May 24, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344) AS AMENDED BY HOUSE AMENDMENT "A" (H-455)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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**Non-concurrent Matter**

Bill "An Act to Establish a State Trauma Care System"

H.P. 875 L.D. 1189  
(C "A" H-386)

In Senate, May 24, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AND HOUSE AMENDMENT "A" (H-438)** in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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**Non-concurrent Matter**

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Establish a Full Employment Program as a Pilot Project in Certain Counties of the State"

S.P. 212 L.D. 683  
(C "A" S-204)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-204)**

Minority - **Ought Not to Pass**

In Senate, May 26, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-204)**.

Comes from the House the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The Chair moved that the Senate **INSIST** and **ASK** for a Committee of Conference.

Senator **ESTY** of Cumberland moved that the Senate **RECEDE** and **CONCUR**.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I got rather emotional last night in discussing this particular Bill. I would urge this chamber to vote against the pending motion to Recede and Concur and instead vote to Insist and ask for a Committee of Conference. Men and women of this chamber, this legislation would create a full employment program, it would require a plan be created to establish a full employment program for a pilot county or counties for the State of Maine. This program was taken from a very successful program that was adopted in Oregon and is working in Oregon. We talk a lot in this chamber about welfare reform, in fact, last evening we talked about meaningful welfare reform. A lot of discussion was made as far as exactly what is meaningful welfare reform. To me, meaningful welfare reform is welfare reform that breaks the cycle, that puts people in a job and pays them a wage, does not give them benefits without any type of work experience or work training, to move them forward. The saying that the State should give people a hand up and not a hand out is well worn, but also worth our attention. What exactly is a hand up, well this full employment program is a hand up. I gave you a personal example in my business, it wasn't with the full employment program but with a disability case where an individual had been hurt at work, she had been told by her insurance company that we would like to retrain you. They sent her to become a paralegal, she had completed that and then she went to the various law firms and asked would you hire me. They said what experience do you have and she said well I'm sorry but I don't have any experience but I am a quick study and I did do well in school. They told her to come back when she had some experience. Working with the creative work system I did not have the amount of work necessary where I could pay her a full wage but I did have enough work there where I could take on a person. We worked out a partnership where I paid half of her wage and the insurance company paid half of her wage. Everyone won, she gained experience plus she also got off disability because now she is working for a law firm in Lewiston. I hired her for seven months, she worked for me for seven months and now she is working for a large firm in Lewiston. That's a success story. Men and women of the Senate, isn't that what we are here for, to try and have creative solutions to this problem? Why in the world are we just going through the motions as far as trying to kill good legislation. This legislation will come back to the legislature for review, what this Bill does is create a pool with unemployment insurance, with AFDC and with food stamps. It's a purely voluntary program. If the person is currently receiving welfare benefits