

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME IV**

**FIRST REGULAR SESSION**

**Senate**

May 2, 1995 to June 16, 1995

Minority - Ought Not to Pass. (6 members)

Tabled - earlier in the day by Senator KIEFFER of Aroostook

Pending - ACCEPTANCE of Either Report

(In House, May 24, 1995, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-264).)

(In Senate, earlier in the day, Reports READ.)

On motion by Senator KIEFFER of Aroostook, Tabled 1 Legislative Day, pending ACCEPTANCE of Either Report.

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

**PAPER FROM THE HOUSE**

**Joint Order**

The following Joint Order:

ORDERED, the Senate concurring, that Bill, "An Act to Increase Police Authority in Certain Cases of Disorderly Conduct," H.P. 357, L.D. 477, and all its accompanying papers, be recalled from the Governor's desk to the House.

H.P. 1105

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act Investing the Joint Standing Committee of the Legislature Having Jurisdiction over Taxation Matters with Exclusive Authority to Review Legislation Relating to Tax Policy"

S.P. 195 L.D. 504  
(C "A" S-79)

In Senate, April 27, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-79).

Comes from the House with the Bill and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.

On motion by Senator KIEFFER of Aroostook, the Senate RECEDED and CONCURRED.

**Non-concurrent Matter**

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (Emergency)  
S.P. 365 L.D. 991  
(C "A" S-116)

In Senate, May 10, 1995, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116).

Comes from the House with the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "A" (H-298) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

**COMMITTEE REPORT**

**House**

**Divided Report**

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto

H.P. 729 L.D. 1003

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-175).

Signed:

Senators:

HANLEY of Oxford  
BERUBE of Andrsocoggin  
BEGLEY of Lincoln

Representatives:

KERR of Old Orchard Beach  
SIMONEAU of Thomaston  
DONNELLY of Presque Isle  
AIKMAN of Poland  
OTT of York  
MORRISON of Bangor  
DIPIETRO of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass.**

Signed:

Representatives:

JOSEPH of Waterville  
TOWNSEND of Portland  
POULIOT of Lewiston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175) AND HOUSE AMENDMENT "A" (H-238).**

Which Reports were **READ.**

Senator **HANLEY** of Oxford moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. May I pose a question through the Chair? A question to anybody in this body who could answer. I heard told that this not only allows the Governor to do a line-item veto of the budget bill, but also allows him to do a line-item veto of other bills, including all other non-fiscal legislation. Is that true?

**THE PRESIDENT:** The Senator from York, Senator Lawrence, 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:** Thank you Mr. President. In response to the question, yes, that is the case. That language was taken directly from my Democratic Co-Chair of the Appropriations Committee in a compromise to achieve the bi-partisan support from our Committee, which as you can tell from the Report, all three members of this body were in support of that measure. It was to enable the support of the Governor and his request for a line-item veto that we went with that report.

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

Senator **LAWRENCE:** Thank you Mr. President, Men and Women of the Senate. If that is the case, I have very strong concerns. Giving a Governor a line-item veto over a budget item is one thing, allowing him or her to go through, line by line, every single piece of legislation we do, and veto one word or one line

or one item of anything, in legislation, is a dangerous power to give the Governor. It is a real usurpation of legislative authority, and I think it dramatically changes the balance between the Executive Branch and the Legislative Branch. Thank you.

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

Senator **HANLEY:** Thank you Mr. President. In response, the Governor already has the veto authority to veto any legislation. This line-item would allow him to go into those areas where expenditures were made, and felt that those expenditures were not appropriate. They could be lined out.

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

Senator **RAND:** Thank you Mr. President. May I pose a question through the Chair? To anyone who may answer, does this line-item veto power concern itself only with appropriations, or is any matter up for veto?

**THE PRESIDENT:** The Senator from Cumberland, Senator Rand, 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:** Thank you Mr. President. In response to the question, it is my understanding that it would be for appropriations measures, as far as financial measures specifically in the budget and in other documents.

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

Senator **ABROMSON:** Thank you Mr. President. In the "for what it's worth" department, last night we were discussing results of our surveys. Question seven of my survey was, "The line-item veto enables the State Governor to say No to specific parts of the State budget, without having to say No to the entire State budget. Do you support a line-item veto for Maine's Governor?" Out of 1,668 responses, 90.4% said yes.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **HANLEY** of Oxford that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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.

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **HANLEY** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-175) READ and ADOPTED, in concurrence.

House Amendment "A" (H-238) READ and ADOPTED, in concurrence.

The Bill, as Amended, TOMORROW ASSIGNED FOR SECOND READING.

indefinitely postponed on Bill "An Act to Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs" (S.P. 260) (L.D. 696)

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

S.C. 203

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

Which was READ and ORDERED PLACED ON FILE.

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act to Protect Traditional Uses in the North Woods"

H.P. 1104 L.D. 1551

Reference to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY suggested and ORDERED PRINTED.

Comes from the House, referred to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY and ORDERED PRINTED.

Which was referred to the Committee on AGRICULTURE, CONSERVATION AND FORESTRY, in concurrence.

The Chair laid before the Senate the second Tabled and Later Today Assigned (May 24, 1995) matter:

HOUSE REPORTS from the Committee on TAXATION on Bill "An Act to Decrease the State's Share of Real Estate Transfer Taxes"

H.P. 821 L.D. 1152

Majority - Ought Not to Pass (10 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-265) (3 members)

Tabled - earlier in the day by Senator KIEFFER of Aroostook.

Pending - ACCEPTANCE OF EITHER REPORT.

(In House, May 23, 1995, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

(In Senate, May 24, 1995, Reports READ.)

On motion by Senator AMERO of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE of Either Report.

#### COMMUNICATION

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333-0002

May 25, 1995

Honorable May M. Ross  
Secretary of the Senate  
117th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its former action whereby the Bill and accompanying papers were

The Chair laid before the Senate the third Tabled and Later Today Assigned (May 24, 1995) matter:

Bill "An Act to Amend the Maine Tree Growth Tax Law"

S.P. 64 L.D. 93  
(C "A" S-153)

Tabled - May 24, 1995, by Senator KIEFFER of Aroostook.

Pending - ADOPTION OF SENATE AMENDMENT "A" (S-176) TO COMMITTEE AMENDMENT "A" (S-153).