

# 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

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,  
CARPENTER, CASSIDY, CIANCHETTE,  
ESTY, FAIRCLOTH, GOLDTHWAIT,  
HALL, HANLEY, HARRIMAN,  
HATHAWAY, KIEFFER, LAWRENCE,  
LONGLEY, McCORMICK, MICHAUD,  
MILLS, O'DEA, PARADIS,  
PENDEXTER, PINGREE, RAND,  
RUHLIN, SMALL, STEVENS, and the  
PRESIDENT, Senator BUTLAND  
NAYS: Senators: BUSTIN, CAREY, FERGUSON  
ABSENT Senators: BERUBE, CLEVELAND, LORD

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate with 3 Senators having voted in the negative, and with 3 Senators being absent, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, ordered sent forthwith to the Governor.

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

**COMMITTEE REPORTS**

**House**

**Divided Report**

Eleven Members of the Committee on **TRANSPORTATION** on Bill "An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Appropriations and Allocations for Fiscal Years 1995-96 and 1996-97" (Emergency)

H.P. 1148 L.D. 1587

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-671).**

Signed:

Senators:

STEVENS, JR. of Androscoggin  
PARADIS of Aroostook

Representatives:

O'GARA of Westbrook  
FARNUM of South Berwick  
LINDAHL of Northport  
DRISCOLL of Calais  
STROUT of Corinth  
BAILEY of Township 27  
HEINO of Boothbay  
BOUFFARD of Lewiston  
RICKER of Lewiston

One Member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-672).**

Signed:

Representative:

CHARTRAND of Rockland

One Member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-673).**

Signed:

Senator:

CASSIDY of Washington

Comes from the House with Report "A" **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-671).**

Which Reports were **READ.**

Senator STEVENS of Androscoggin moved that the Senate **ACCEPT** Report "A" - **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-671),** in concurrence.

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

Senator STEVENS: Thank you, Mr. President. What we have before us here now is a highway bill that came to the Committee on November 16. We had three workshops, twenty-five hours of discussion; and our vote came out eleven to two for the proposal that was handed to us to begin with to solve a matching highway and bridge capital improvement commitment of \$250 million, of which 80% will be paid by federal, and 20% by the State, which is a \$50 million obligation. Of that, Part C of the piece of legislation seems to be what is drawing the most resistance, which is using monies from the Turnpike, which are due the Department of Transportation each and every year. It's not money that's bonded by the State. It's money that will be coming to the State over the years, bringing it forward in a ten year payment so that we can use it to put together this \$50 million project. I don't think that I'm going to try to give too much of a speech on this. Everybody else has had time on other items. I think we have had a lot of discussion on this; and unless there are any questions, I would like to call for a vote and a Roll Call. Thank you.

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

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Kieffer.

Senator KIEFFER: Thank you, Mr. President. Certainly, I have all the respect in the world for the work of the Transportation Committee. I think they have done yeoman's service here in the last few days on an issue that certainly should never have come before this body. This special session was called for the specific purpose of dealing with the Productivity Task Force, and here, on an issue that should have been brought up before us in the last session of the Legislature, or certainly it could have been dealt with thirty days from now when we are back here in regular session. So, they were placed in a position that no one is envious of. However, everyone in this Chamber, I am sure, and in the other body, wants good roads. No one is encouraging potholes and everyone wants the bridges completed. I don't think that that is what this argument is about at all. This debate is not about good roads, I think that it's about responsibility in government. I think we have been neglecting our duties in facing up to that for some time now. You can call it a subterfuge or whatever you want; but whatever you say, the Constitution of Maine requires any capital expenditure in excess of \$2 million to be put out to the public in referendum. I don't think this is anything new. Presently there are three bridge construction jobs in Maine. We are told that the money is not there to fund those jobs. These jobs were 80% federally funded, and 20% with State of Maine money. In each case the 20% of State match is in excess of \$2 million; yet, as far as I have been able to determine today, the State match in excess of \$2 million on those three specific projects, only one of them was ever put out to referendum. In addition to that, when these jobs do go out on a bond issue, they go out as a general obligation bond; and this is

a prospectus on a particular State of Maine general obligation bond that was dated May 1, 1995. These bonds are issued for specific purposes. On the front page of this, and this is readily available for anyone, it reads "the bonds will be general obligation bonds of the State and the full faith and credit of the State are pledged to the punctual payment of principle and interest on the bond as more fully described herein. The bonds will be issued to finance the acquisition, construction and improvement of certain public properties as more fully described within." Now that doesn't make any mention of taking the proceeds from this bond and putting them into a slush fund and using them however you want them to come out. They are specifically earmarked for that project. It's kind of obvious, apparently, from what I have heard here in the last two or three days, that that hasn't been the case here. We have been robbing Peter to pay Paul.

In addition to the fact that these bonds would be issued through the Maine Turnpike Authority and be used as an end run around the Constitution, or subterfuge, or whatever you want to call it, last spring the Transportation Committee had a bond issue to put out to the people of the State of Maine in the amount of \$51 million. Through negotiations they were asked to increase that amount of the bond issue to \$58 million. That difference of the \$7 million was supposedly a catch all to clean up a bunch of loose ends, as I understand it, that were still out there and were not paid. We were assured that this was going to bring us all current, and the Transportation Committee reluctantly agreed to the amount of \$58 million. I supported that \$58 million bond issue at home, and I'm sure many of you did. Two days after the bond issue was approved and passed big time, we were told that we are just \$50 million short. I have a little problem with that kind of arithmetic. Over in the Department I understand, and I have all the respect in the world for our Commissioner, and I know he is new and his assistant is new; but they are the only people over there who are new, everyone else has been there for a long period of time. If this condition had been festering, had been building up, why in the world wasn't it brought to us last spring when we were here in session? We have been trying here now to find a way to pay our bills, to continue these road jobs, to continue the bridge construction, for the three days that we have been here. We have offered to negotiate and have been met by a brick wall. We have been told that there is absolutely no room to negotiate. Yet tonight, after the vote in the other body, I understand there was some type of a concession made. Well, I think it's just too late. It's too bad that we have to be faced with this, what I consider to be, management by pandemonium. Every time that you make a fast decision, don't have time to properly analyze it and look into every corner, I have always found that I made a mistake. I don't want to make that mistake today. Since there is no room for negotiation, and since I am convinced that there is enough money in the Department to continue these work projects, and that there will not be any layoffs, and that these projects will not be stopped, I'm going to vote against this. I would hope that I would have enough support to either require that a compromise be reached on this, or this be carried for another month. We are going to be back here in another month. Then we can sit down and give the

Transportation and Appropriations Committees a little better chance than we have had here today.

Another thing that I think would be very worthwhile at that point in time is that we will have another two months' figures from our tax department. We will have a little better idea, the income from the State of Maine has been going up and down like a roller coaster. I just think we ought to take a hard look at this. Thank you.

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

Senator **CAREY:** Thank you, Mr. President. For the Record, I would like pose a question, if I may, through the Chair to the Chairman of the Transportation Committee. Is it my understanding, Mr. Chairman, that this is a one shot deal? That, in fact, \$40 million is the top figure that can be bonded and that there will be absolutely no bonds under this section after June 30, 1997?

**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 Androscoggin, Senator Stevens.

Senator **STEVENS:** Thank you, Mr. President. Yes, that is right. This will take care of all the back projects before 1995 without using the bond money that we just passed in November.

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. It's no surprise that I rise in opposition to my good friend from Androscoggin, Senator Stevens. Having been a member of the Legislature for more years than I would like to remember now, and having seen quite a few of the gimmicks that have been put in by the previous administration, which was an administration of my own party, but even with that, I didn't agree with the gimmicks that we used to balance our State budget. I think this is right along the same lines. If I could just share with you a portion of an editorial. "They found it. Governor Angus King and his administrators found a smokey mirror left over from the McKernan years. The King administration wants the Legislature to borrow \$34 million from the Maine Turnpike Authority to help pay for bridge construction projects in Portland, Brunswick and Waterville. It seems that the Maine State Department of Transportation needs another \$60 million to pay for the State's share of the bridge projects. Under the King plan the MTA would bond the \$34 million in loan to the DOT. Candidate King was sharply critical of one time revenue sources, such as selling part of Interstate 95 to the Turnpike Authority. But Governor King's proposal ranks right up there with the smoke, mirrors, and gimmicks of the past and adds to public debt without public approval. Citizens don't vote on bonds for the Turnpike Authority. They do for the DOT. The King turnpike bond proposal still leaves a multi-million-dollar shortfall. The Governor promised to smash the smokey mirror. The shame is he succumbed to its murky image." I don't always agree with Fred Nutter and his editorials, but I thought that he hit the nail square on with that one. I question the fiscal responsibility of pulling revenues nine years in the future and pulling them all forward. There has been other proposals that have been talked about. I'm sure we will have an opportunity to discuss them later. There are other

alternatives, rather than resorting to this one time funding source, to get the DOT over the hurdle they are facing now, to put them on sound financial footing, to improve their cash flow. To restore another gimmick in the process, that being to restore the State Police to a fifty-fifty from the general fund and Highway fund, the time is now for us to address these tough, difficult issues, and not put them off again. Yes, the decisions are difficult to make; but that's why we ran for office; and that's what the people expect us to do.

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

**Senator STEVENS:** Thank you, Mr. President. I don't think this is a problem that really started over night. It has been working for about twenty years here. First the general fund would borrow money and then the highway fund would borrow money, back and forth. In 1983 we had a five cent gas tax. Each penny generates \$6.5 to \$7 million. One of the highways that the five cent tax at that time was going to be improving was Route 196, from Lewiston to Lisbon. They are working on part of it now. That's from 1983 to 1995. In 1988 we had a five cent gas tax. One cent of the funds for construction of eight bridges. The three bridges that we are talking about at the present time are three of the eight. It also says that the bridges are in need of repair at that time, which was in 1988. A lot of this money has been borrowed from the Highway Department through the general fund, when we would have some financial problems over the years. I do not want to go ten years into the future and bring the money back on these projects. I would rather have the project worked in another manner, if possible. We had a couple of proposals come before our Committee. Possibly there was some money there that we could work with, but I got the impression it was for whoever got to the mailbox first. I couldn't get the Department, or the Administration, or Appropriations to give me a complete list that I could say alright, here are some other funds other than bringing this forward that you can have without injury to some other account. At that time I said I was willing to listen to anyone with any proposal. I know it's late but I still will listen. I will withdraw my roll call at this time and will put it on later. Thank you.

**Senator STEVENS** of Androscoggin requested and received leave of the Senate to withdraw his motion for a Roll Call.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Paradis.

**Senator PARADIS:** Thank you, Mr. President, Men and Women of the Chamber. The latest poll this weekend listed teachers, clergy people, and doctors being at the top of the popularity list. Politicians have finally dropped to last place, below prostitution. We were always one above them before. How can we blame the people for feeling as they do? We, who are part of the process, are often repulsed, angered and frustrated by our democracy being continually hijacked by reasons that appear to be ego driven. Monday I feel that that happened to us. An individual came to our Committee with an easel and a marker and said that there were places where millions of dollars could be grabbed. We looked at one another and said, "Ah, Nirvana, heaven on earth, wonderful, great, tell me more." Many of us soon realized from the murmur that erupted in the room

immediately after this presentation, that all is not well in River City and maybe was not as wonderful a plan as was proposed to us. What transpired after wasn't pretty. We literally suspended our work as a Committee. We tried to hang around wherever they were discussing a transportation issue. It had been completely removed from our jurisdiction. We sat in on an Appropriations hearing and for the next two days we were demagogued, cliched galore, lectured, preached to, even scripture was quoted extensively to point out the error of our ways. We were educated, taught, patronized, demeaned, "have you thought of this", "have you thought of that"; and in notes to us we never knew that there were so many geniuses who knew so much about transportation issues. I listened earlier, and I saw people who I have never seen before and they had all of these wonderful ideas. I wish they had been with us as the Committee was deliberating on these issues before the special session. We could have saved ourselves a lot of travel time and energy and time. It did, eventually, become very clear to us that specifics were wanting. It was go into the general fund, go after Grandma, go after the kids, go after whatever, raise taxes on cities and towns is exactly what it means. It was gamesmanship, who was going to blink first, who was going to win. Use the highway budget as a gun and aim it at people's heads, like has been done over and over. It's deja vu, deja vu, deja vu.

I remember, very well, when the highway fund was being raided in the Appropriations Committee, for \$80 million in a very short amount of time. The Appropriations room was silent, eerily so, like a tomb, as the money was grabbed to shore up the general fund. At the same time the people of Maine were being told by the CEO of the State that we had plenty of money to run our State government. Again, when the money was grabbed, one didn't hear protest and howls of displeasure and objection like we are hearing today, that the people were being robbed and their hard-earned taxes were being hijacked. Voting against the budget then, that took about a second. We didn't hear the protests. It might have been there but it was a silent protest. Now, hearing this fine innocence, this incredulity, the shock and surprise regarding the effects of the highway robbery of yesteryear befuddles me. The cacophony of displeasure is loud and raucous in expressing disdain for the Administration's proposal. We are also pure, untainted, clean, like the freshly driven snow. We have never, ever, submitted to subterfuge before. We are pointing the finger. We are placing blame. Yet, when we had the opportunity here earlier to get real good information the room vacated. There is maybe a few thousand dollars in this bill for District 1 that is fifty towns. There is still not anything there for us. There has never been anything for us. The responsibility goes back forever. After I listened to the presentation from the Commissioner earlier, I felt how poorly our District has been represented over the years; because we have not been able to achieve any better roads than we have now; and it doesn't look like there is anything on the chopping block. It would have been much easier to pay the bills as we were encumbering them. It didn't happen. We didn't seem to be too upset about it. But, I'm pleased to announce that sanity returned. We got our Committee back yesterday afternoon and it felt real great to be together and we got the work done. We all have to admit that there is a price to

pay for what has gone on. I'm hoping that tonight we will let this process go forth, so we don't waste one more dollar, we don't waste one more amount of energy to put this show behind us. I vociferously support the proposed highway plan even, like I said, it doesn't do too much for my area. We have compromised. We have compromised this before it got to us. The compromise went on a long time ago. Let's get the show on the road.

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

Senator **HATHAWAY:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have an answer for the good Senator from Aroostook, Senator Paradis', question as to why politicians suffer so lowly in the popularity polls. The reason is because we continue to pass gimmicks like this. This is politics as usual. When we run out of money, the answer is always borrow more money. What it should be is when you run out of money, you should cut your spending. You cannot borrow your way to prosperity. It seems to me it's a little bit like this time of season, going out and finding a Christmas present for a loved one, not having the money to spend to buy it, but going to ask your employer for ten weeks of salary in advance so that you can purchase something that you can't afford. I think we all want these projects to be completed. That's not the issue. The issue is simply where are we going to find the money to finish the projects. The problem I have is that we have been told that the repayment of these bonds is guaranteed. It will be guaranteed by the Maine Turnpike Authority. I think, in our discussion with the Commissioner today, we found out that, in fact, they are not guaranteed, that this is merely a surplus. As long as a surplus is there, the bonds will be paid. What we are doing is we are changing the priority. We are no longer giving a surplus over to DOT, but we are now committing and encumbering the Maine Turnpike Authority, and giving priority to that money to pay off new creditors. If, by chance, the surplus is not available, to me there is only one way for the Maine Turnpike Authority to repay that debt, and that is to raise tolls. That is their only source of revenue. The only guarantee that I can make is that I will never, on this floor, vote for any gimmick that sometime in the future will increase the tolls of the good people of the City of Biddeford that pay for that turnpike. If you want to further indebt the taxpayers of this State, then do it the way you are supposed to. Don't circumvent the Constitution and further burden the people in the City of Biddeford who work hard for their money, who use that road, who pay for that road. Don't jeopardize their use of that road in the future. The solution to this problem is very simple. The problem, we are told, is that in the past the Department of Transportation has kindly put money into the general fund to solve some problems. If that is the problem, let's solve the problem. Let's take the money out of the general fund and give it back to the Department of Transportation where it belongs. Let's end that gimmick right now. That money has been identified. It is there in the general fund. Let's solve this problem now, simply, and in the right way, not by using gimmicks. We need to end gimmicks. We need to end politics as usual. So I hope that you don't support the use of this bond. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator STEVENS of Androscoggin that the Senate ACCEPT Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-671), 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.

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator STEVENS of Androscoggin to ACCEPT Report "A" - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-671), in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-671) READ.

On motion by Senator HANLEY of Oxford, Senate Amendment "B" (S-413) to Committee Amendment "A" (H-671) READ.

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. The amendment before you addresses a number of problems facing the State of Maine. We have been informed by the Executive Officer of this State, by the Commissioner of Transportation, that there is a problem which needs to be solved. A problem that has been generated, not over night, and often times when you have a problem that has been generated not over night, it takes a little bit more to solve that problem. As we have discussed on this floor repeatedly, and in Appropriations, we would like to solve the problems without resorting to gimmicks, without resorting to pulling revenues from nine years in the future for one time spending now. We have discussed the potential ramifications of that. Men and Women of the Senate, I will hearken you back to October of 1995, the Appropriations Committee met, as we do on a monthly basis, to review how our incomes, our revenues, were coming in. We were advised that our top three lines; sales, income, corporate - were plummeting downward, that we could anticipate that the problem would be \$24 to \$31 million of revenue shortfall. That was in October. Men and Women of the Senate, we were fortunate in the month of October for those revenues to pick up. We have been advised, although these numbers have not been certified by the Revenue Forecasting Committee, that we can anticipate a 14.8 revenue reprojected downward. In the course of one month, it changed a potential of 31 down to 14.8. My question to you, Men and Women of the Senate, is what would we have done if it had remained at \$31 million? The answer is quite simple. The Governor, in concert with the Legislature, would have gone into the general fund to find those cuts. Why? Because we need to have a balanced budget. We need to abide by the Constitution of this State of Maine. We would have made the tough decisions. Yes, some people in this chamber and in the other body probably wouldn't have been happy with those. But, a lot of the decisions that need to be made in these days and in these times, whether they be in Augusta or in your own home at your own kitchen table when you are writing out your own bills, they don't get any easier. We have a problem that has been identified by our Governor and by our Commissioner of Transportation. I have heard, repeatedly, that that is a priority, that we have to insure the integrity

of the infrastructure within our State; and I could not agree more. What I can't agree to is resorting to a gimmick when we can bite the bullet, make tough decisions, prioritize and act accordingly, with fiscal responsibility. There have been many members of this Chamber who I have heard, on different debates in different sessions, talk about gimmicks and deride the use of those gimmicks. I think it's time to face up to the facts that you may want to have the project in your district, you may want to have the road paved, you may have had money coming back for your sand and salt shed storage; but, Men and Women of the Senate, we have to face the facts. The facts are if we were to adopt the proposal before you, take the money from the general fund, we would be able to accomplish restoring the State Police gimmick to 50% from the general fund and 50% from the highway fund. The Attorney General's office has basically informed us that that level is acceptable. The levels that we have been riding on for the last six or seven years is unacceptable. By adopting the proposal in front of us, we would be able to avoid \$13 million worth of interest, at a higher rate than the State would currently pay on their own bonds. We would improve the cash flow of the Department of Transportation into the twenty first century. It would appear to me that if we make the tough choices now, we will no longer have the gimmick that has been utilized in the Department of Transportation in order to fund projects using other bond monies. Let's remedy that gimmick now, like we did the furlough days. Let's bite the bullet, make the tough decision now, so that our kids and grandkids can enjoy that. To restore the Department of Transportation and the Highway fund to where it should be. I hearken you back to the meeting of the Appropriations Committee in October, when we were told that the September revenues were headed downward in a death spiral. If that had continued, the Appropriations Committee, this Legislature and the Governor would have had to step up to the plate and make the cuts which are talked about in the proposal before you. That's all. If the revenues had continued downward, and who's to say they won't come next spring, all I'm saying is if we take the initiative now, we will have something to show for it next year and the year after that. The Department of Transportation won't have to be making \$4.7 million payments, with interest, to the Turnpike Authority. The Turnpike Authority won't have to be wondering whether or not they will have surplus to pay those bonds. The people of the State of Maine can say yes, the Legislature made the tough decisions, they didn't resort to gimmicks and yes, maybe I felt a little pain in fiscal year 96 and fiscal year 97, but we did what was right. We did what the people of the State of Maine elected us to do, come and make the tough decisions. I hope you support the proposal in front of you. It's not perfect, but at least it starts us in the right direction and it is no different than what our Committee and this Legislature would have been faced with if we had had a revenue shortfall, as it has initially been projected. No different.

On motion by Senator AMERO of Cumberland, 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 that the Senate ADOPT Senate Amendment "B" (S-413) to Committee Amendment "A" (H-671).

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

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, CARPENTER, FERGUSON, HALL, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, PENDEXTER, SMALL, and the PRESIDENT, Senator BUTLAND

**NAYS:** Senators: BUSTIN, CAREY, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, STEVENS

**ABSENT:** Senators: BERUBE, LORD

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator HANLEY of Oxford to ADOPT Senate Amendment "B" (S-413) to Committee Amendment "A" (H-671), **FAILED**.

Committee Amendment "A" (H-671) **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As Amended, in concurrence.

Under further suspension of the Rules, sent forthwith to the Engrossing Department.

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**

An Act to Authorize Appropriations and Allocations for the 1996-1997 Biennium and to Change Certain Provisions of the Law Necessary for the Operation of State Government

H.P. 1160 L.D. 1594

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

Senator LAWRENCE: Thank you, Mr. President, Men and Women of the Senate. It has been a long day, so I will just remind you which bill this is. This is the bill that separates out the \$1.8 million out of the Productivity Task Force. I would urge you to oppose it.

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 Chair recognizes the Senator from Oxford, Senator Hanley.

Senator HANLEY: Thank you, Mr. President, Men and Women of the Senate. Just so everyone is quite aware of what this will actually do, and I'm sure the good Senator from York has informed them, failure to enact this will not meet the letter of the law, as far as the enabling legislation for the Productivity Task Force and the Governor will now have the ability to achieve these \$1.8 million worth of savings through the curtailment of allotments.

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

Senator RUHLIN: Thank you, Mr. President. I would like to ask if the good Senator could expand upon his comments.