

# 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

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 Authorize Appropriations and Allocations for the 1996-1997 Biennium and to Change Certain Provisions of the Law Necessary for the Operation of State Government" (Emergency)

H.P. 1160 L.D. 1594

In House, November 30, 1995, **PASSED TO BE ENACTED**.  
In Senate, December 1, 1995, **FAILED OF ENACTMENT**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **ADHERED**.  
Senator **KIEFFER** of Aroostook moved that the Senate **RECEDE** and **CONCUR**.

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

Senator **LAWRENCE:** Thank you, Mr. President. I hope you will oppose this motion. Again, this is the bill to separate the \$1.8 million.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **KIEFFER** of Aroostook to **RECEDE** and **CONCUR**.

This being an Emergency Measure and having received the affirmative vote of 16 Members of the Senate, with 15 Senators having voted in the negative, and 16 being less than two-thirds of the entire elected Membership of the Senate, **FAILED OF ENACTMENT**.

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:

An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Allocations for Fiscal Years 1995-96 and 1996-97

H.P. 1148 L.D. 1587  
(C "A" H-671; S "A" S-416)

Senator **HANLEY** of Oxford requested a Division.

On motion by Senator **SMALL** of Sagadahoc, 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 Sagadahoc, Senator Small.

Senator **SMALL:** Thank you, Mr. President, Men and Women of the Senate. I apologize for taking a brief moment to speak at this late hour. Oftentimes people get up and explain why they are voting on a bill, and most of the time I don't really care. Probably no one really cares about why I am speaking; but this vote tonight is so out of the ordinary for me, and such a tough one, and one that goes against so many of my principles, that I felt that I, at least, wanted to put a few reasons on the Record. I am going to vote for final passage of this transportation bill tonight because I cannot, in good conscience, go home without a resolution to the funding shortfall in DOT. We have tried a number of alternatives tonight and none of those were successful. We have a project in my district that is partially completed. There is a portion of a bridge, sitting in a field, waiting for the connecting bypass to be finished. I live in fear that the bridge in the field that goes nowhere might be named for the good Senator from Sagadahoc County. I do believe

that we need to be honest about this proposal before us. We need to be honest with our constituents and admit that this is another gimmick and that it is to tide us over, once again, until the revenue picture becomes rosier. Some won't support further cuts to fill the gap. So, once again, creative financing, and I use that term very loosely, becomes the only choice remaining. We have one choice left before us tonight. I am discouraged that compromise was not possible, and will vote, regrettably, for this latest and, I fervently hope, final, gimmick. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President. Would a motion to add the emergency clause back on be in order now?

**THE PRESIDENT:** The pending motion 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, BUSTIN, CAREY, CASSIDY, CIANCHETTE, CLEVELAND, ESTY, FAIRCLOTH, FERGUSON, GOLDTHWAIT, LAWRENCE, LONGLEY, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, SMALL, STEVENS**

**NAYS:** Senators: **AMERO, BEGLEY, BENOIT, HANLEY, HARRIMAN, HATHAWAY, KIEFFER, PENDEXTER, and the PRESIDENT, Senator BUTLAND**

**ABSENT:** Senators: **BERUBE, CARPENTER, HALL, LORD**  
22 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 4 Senators being absent, this bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE  
Non-concurrent Matter  
Emergency**

An Act to Transfer Oversight of Commercial Driver Education Programs to the Secretary of State

S.P. 477 L.D. 1301  
(S "A" S-414 to C "A" S-331)

In House, November 30, 1995, **PASSED TO BE ENACTED**.

In Senate, December 1, 1995, **FAILED OF ENACTMENT**.

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

Senator **LONGLEY** of Waldo moved that the Senate **RECEDE** and **CONCUR**.

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 1 Senator having voted in the negative, and 25 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