

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME VII**

**SECOND REGULAR SESSION**

**Senate**

March 14, 1996 to April 3, 1996

**SECOND CONFIRMATION SESSION**

August 1, 1996

**SECOND SPECIAL SESSION**

**House of Representatives**

September 5, 1996 to September 7, 1996

**Senate**

September 5, 1996 to September 7, 1996

**Index to 117<sup>th</sup> Legislative Record**

**HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
SECOND SPECIAL SESSION  
JOURNAL OF THE SENATE

After Recess  
Senate called to order by the President.

In Senate Chamber  
Saturday  
September 7, 1996  
Senate Called to Order by the President, Jeffrey  
H. Butland of Cumberland.

On motion by Senator HANLEY of Oxford, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Resolution, Proposing a Competing Measure under the Constitution of Maine to Implement the Compact for Maine's Forests

H.P. 1390 L.D. 1892  
(H "B" H-931; H "D"  
H-933; S "C" S-606;  
S "B" S-605 to C "A"  
H-924)

Tabled - September 6, 1996 by Senator HANLEY of Oxford.

Pending - FINAL PASSAGE

(In Senate, September 6, 1996, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924), AS AMENDED BY HOUSE AMENDMENTS "B" H-931 AND "D" H-933, and SENATE AMENDMENTS "B" S-605 AND "C" S-606, THERETO, IN NON-CONCURRENCE.)

(In House, September 6, 1996, FINALLY PASSED.)

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator BEGLEY: Thank you, Mr. President. Prior to any vote, I would like to make a comment or two, concerning the amount of money that is going to be responsible, through the general fund, in a legislature a year, or two, or three, or four, or five, or six, down the road. The current proposal, there is money set aside, either \$30,000 or \$76,000, so there will not be a major appropriation the first year. In looking at the proposal in the bill, it is estimated that after that time, annually, or in some fashion, whatever time you want to consider, there will be half a million dollars recommended from the general fund. I have asked the Administration, they have complied, at least in the point of view, yes, they are interested in letting the public know in, or before, November, what the cost is going to be down the road, not next year, but down the road, \$400,000 to \$500,000 of general fund money. I believe it is the responsibility, and they will, I am sure, accept this responsibility for the Administration and the Legislature to inform the public, not necessarily through the newspapers. In my opinion it should be done far more formally. I'm not sure how. We have done it on bond issues. It cannot, from what I understand, be put on the ballot in fear of prejudicing the position. But, unless the Administration and the Legislature, and whoever else is supporting this, informs the public, it is my opinion that you are not doing your duty.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator LONGLEY: Thank you, Mr. President, Men and Women of the Senate. Very quickly, yesterday I expected more talk on various portions of the compact. Specifically, I was waiting for talk about the audit. I was waiting for an opportunity to stand up and say there is something very special about this audit program. Very quickly, let me just say that there is a company in our state, Seven Islands, that has had an audit program that has been internationally recognized. It is recognized as a well-managed forest. They have done a successful third-party audit program. I would just like to say that part of this audit provision recognizes, and

Prayer by the Honorable Albert G. Stevens, Jr. of Androscoggin.

SENATOR STEVENS: Good morning. I found a short poem for the last day of the 117th.

"Great is the power of the might and mind,  
But only love can make us kind.  
All we are, or hope to be,  
Is empty pride and vanity.  
If love is not a part of all,  
The greatest person is very small."  
Let us pray. We thank you, Lord, for this September day, which probably will be the final day of the 117th. We count our blessings and hope for Your blessing in finishing up the session by noontime. Thank you.

Reading of the Journal of Yesterday.

ENACTORS

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

Emergency

An Act to Authorize the Department of Human Services to Accept Federal Funds and to Make Certain Expenditures

H.P. 1394 L.D. 1895  
(C "A" H-939)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senator having voted in the negative, 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.

Senate at Ease  
Senate called to order by the President.

Off Record Remarks

Senator AMERO of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator LAWRENCE of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator BERUBE of Androscoggin, RECESSED until the sound of the bell.

grandfathers, this type of audit program. It's a very good thing, for the record. Thank you.

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

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

A vote of Yes will be in favor of **FINAL PASSAGE**.

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, CLEVELAND, FAIRCLOTH, GOLDTHWAIT, HARRIMAN, LAWRENCE, LONGLEY, LORD, McCORMICK, MICHAUD, MILLS, O'DEA, PARADIS, PINGREE, RAND, RUHLIN, SMALL

**NAYS:** Senators: AMERO, BEGLEY, BENOIT, BERUBE, CARPENTER, CASSIDY, FERGUSON, HALL, HANLEY, HATHAWAY, KIEFFER, PENDEXTER, STEVENS, and the PRESIDENT, Senator BUTLAND

**ABSENT:** Senators: CIANCHETTE, ESTY

Senator AMERO of Cumberland requested and received Leave of the Senate to change her vote from **YEA** to **MAY**.

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, this Resolve was **FINALLY PASSED** and having been signed by the President was presented by the Secretary to the Secretary of State.

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Senate at Ease  
Senate called to order by the President.

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Off Record Remarks

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On motion by Senator BEGLEY of Lincoln, **RECESSED** until 1:00 o'clock this afternoon.

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After Recess  
Senate called to order by the President.

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On motion by Senator HANLEY of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Amend the Law Concerning Tax Increment Financing

S.P. 775 L.D. 1894  
(C "A" S-603)

Tabled - September 6, 1996, by Senator HANLEY of Oxford.

Pending - **ENACTMENT**

(In Senate, September 6, 1996, **PASSED TO BE ENGROSSED, AS AMENDED.**)

(In House, September 6, 1996, **PASSED TO BE ENACTED.**)

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED, AS AMENDED.**

On further motion by the same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-603).

On further motion by the same Senator, Senate Amendment "A" (S-608) to Committee Amendment "A" (S-603) **READ.**

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

Senator HANLEY: Thank you, Mr. President. I understand that both caucuses have had an opportunity to review the proposed amendment which did receive the unanimous support of the Appropriations Committee. The amendment before you changes this from a tax policy issue regarding companies that retain more than 100 jobs in the State, to set up a special, non-lapsing account, for a total amount that would fund the \$1.5 million over the course of ten years. We have utilized the net present value and have a fund established with \$1.25 million. The funds would be taken from the Rainy Day Fund and set up into a special account, of which the special account, up to \$150,000 could be utilized for those companies which retain more than 100 certified and qualified employees during that time period. The language in this amendment tracks the language proposed by the Joint Standing Committee on Taxation and their definition of certified retained business, as well as their definition of qualified employees, specifically section 2. Furthermore, it also keeps the time, the window of opportunity, the same as put forward by the Taxation Committee. The companies who fulfill this criteria would have until February 28, 1997 in order to apply to be involved in this program. One of the differences in the amendment is that it is not tied to the income tax revenue stream and does not put in jeopardy the income tax cap that this Legislature passed and the Governor signed into law. In fact, it creates a much cleaner bill, which will help out, for instance, the Hathaway manufacturing plant in Waterville, as well as any other businesses throughout the entire State, as had been some of the concerns voiced by members of this Chamber. The monies not utilized, and as I said, the amendment allows for up to \$150,000 per year, any monies not utilized each year would stay in the fund to provide, or to ensure that the net present value of the \$1.5 million is maintained intact; but at the end of the ten years that this program is still in place. Any monies not utilized would go directly back into the Rainy Day Fund. The special account is an interest-bearing account as well.

On one last note, and I hope that there will be other speakers elaborating on this; but it was the intent of the Appropriations Committee, in specifically section 3, part 2 of section 3, in this amendment, to give criteria to the Commissioner of the Department of Economic and Community Development to use his discretion in allocating the funds, and provide more monies for those companies which retained over 100 jobs. So, if a company is retaining 450 jobs, probably the high end of the \$150,000 would be utilized. If a company is only retaining 100 jobs, one would hope that it would be less.

Once again, I would like to thank the members of the Taxation Committee who have participated in the discussion and has helped us along to create what, I believe, is an even stronger bill for job retention here in the State. Once again, I will state that it was a unanimous committee report and would ask for your adoption.

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

Senator CAREY: Thank you, Mr. President. I spent the evening with the Appropriations Committee last night. They did work very diligently. They arrived at a point where there was a little loggerhead, primarily caused by members from the other body, or a specific member from the other body. They recessed until the House Chair of Appropriations came in. My group was able to spend some time with the House Chair. He developed a plan which we thought was fair to all and carried it down to the Appropriations Committee. They rolled it over and felt that it was something that could be done. We went to the Governor's office. The Governor said it was something he could buy, especially since it wasn't coming out of his contingency account. In any event, we have the bill before you. I was particularly pleased with the section that deals with payroll. While we are not taking the money out of the income tax, so that we damage the cap that, in reality, should stay in place either until it runs out or is changed, one or the other, but at least that money that Senator Hathaway mentioned before, would be going directly back to the taxpayers, as it really should; because that is what the law reads. So, we are very pleased with that.

I would like to thank the good Senator from Oxford, Senator Hanley; the good Senator from Lincoln, Senator Begley; and, obviously, the very good Senator from Androscoggin, Senator Berube, who, somehow or other, has kept her stamina up during all this long stretch. I have particular thanks for Representative Kerr, who, in fact, is the one who really offered this much better, I think, compromise. I am in full support of the work that the Committee has done.

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

Senator HATHAWAY: Thank you, Mr. President. Ladies and Gentlemen of the Senate. Once again, I would like to thank Senator Carey for a tremendous job that he has done for his constituents, and also Senator Hanley, to reiterate the words of Senator Carey, for, I think, really protecting the integrity of this body and making sure that we do allow the tax cut to be implemented at the time that it was supposed to be, as we promised. We are keeping that promise. I think you have done a great job in the last few hours. I appreciate it very much.

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

Senator CLEVELAND: Thank you, Mr. President. Just yesterday in this Chamber, Men and Women, I, and thirty other members, including every Democratic member in this body, supported the original proposal that came from the public hearings, and the Appropriations Committee and the Taxation Committee in regards to providing an opportunity for saving as many as 450 jobs in Waterville. We all recognize that that is an important goal and it got unanimous support. We all recognize the importance of those jobs and the importance of the economic impact on this community and, particularly, on the lives of those 450 workers and their families. However, the proposal that is brought to us is a much different approach to dealing with that issue than the one we had before. I think, in many ways, much more unfortunate in the way that it is done. I recognize the hard work and the effort to come to it, but I think there are some shortcomings to the proposal and I would like to state them for you today. This

proposal would take \$1.25 million out of the Rainy Day Fund. Money that the State currently has within that account for major emergencies and capital items. That's the purpose and function of the fund. There has been much discussion within this body on that issue during the past session of the Legislature and we need to maintain the integrity of that fund. We are going to take \$1.25 million, even though we know, and we put in this legislation, that no more than \$150,000 can be withdrawn from it at any one time over a ten-year period. So, we are going to take cash and set it aside so it will no longer be available for emergency needs, programs, and services within this State. We are going to put it aside into this fund when we had a mechanism that passed, thirty to three, that provided a means of getting that revenue based on the number of employees and the state income tax they paid, so that you got no more than the employees that you had employed. There was a relationship and accountability, and you didn't remove the money from use in years when you did not have the money and did not need to use the money. Now, with this proposal, what we have done is we have taken \$1.25 million away from future needs. We all know there is going to be a fairly significant shortfall in the next session. The next legislature is going to have to struggle to find the resources to meet the needs of the people of this State for education, for healthcare, for human services, for economic development, for the justice department, for conservation, for forestry, and many other valuable and needed services. There will be a shortfall in that program, and there will also be \$1.25 million less to deal with that. That puts us in sort of a funny position. It's a Sophie's choice. Do we not support economic development for the 450 people today, and jeopardize their families and their well-being because we have an objection or concern about the inappropriateness of using more money than is necessary to accomplish a task, or do we later recognize we are going to take that money and set it aside and then recognize we are not going to have the same kind of money for education and job training and healthcare and protection for abused and neglected children because there is going to be a bigger shortfall between the revenues and the expenses that we will have? Which child do you want to give up? The families that you have today that you know are threatened with the loss of their jobs, or the loss of revenue to take care of the needs of the citizens of this State by a mechanism that is not needed to do it, and one that we have already proved will do it perfectly well? We also recognize the realities here. We recognize that we have not enough votes to go with a more prudent approach, a more sane approach, a more fiscally sound approach in this Chamber. In recognizing that reality, I will not vote against this approach; but I do want to state that I think it is not the most prudent approach. It pits one group of citizens against another group of citizens inappropriately, unfairly, and unnecessarily to do that.

I find it rather ironic, because I had an opportunity to read a letter to the editor, dated June 24, 1996. It was a letter to the editor of the Bangor Daily News. The letter was written by the good Senator from Aroostook, Senator Leo Kieffer, and the good Senator from Washington, Senator Vint Cassidy. It was talking about their concerns about special sessions and why they were reluctant to come

into a special session. They were warning the public of its dangers. It says, "It would be extremely risky to hold a special session now for the following reasons:" and they list several, the third of which is, "a special session could open the door to a pool of various spending proposals that would turn down in April in favor of building up the Rainy Day Fund. We worked hard to get that money aside and it is critical that we keep that fund intact for real emergencies, and not give competing interests a chance to battle for those dollars." How ironic. The same warning that we were told about back in June is being strongly supported by those people who were saying we have to be fiscally prudent and not raid that fund. I understand we have no choice. I understand the votes and the numbers. I also understand the reality; and I hope that in the future, we will have the opportunity to act prudently, both for the fiscal interest, as well as the economic interest in this body.

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

Senator **HANLEY:** Thank you, Mr. President, Men and Women of the Senate. Just to respond to some of the concerns, and I always enjoy listening to the good Senator from Androscoggin, Senator Cleveland, state his concerns, because I know how sincerely he believes in them. I guess just to assuage a couple of the good Senator's concerns. First, with regard to the special session and the determination of the Chief Executive Officer to not only include the compact, but also to request the good Representative from Old Orchard Beach, my House Chair, to sponsor legislation with respect to adopting legislation which would allow us to bring in the federal block grants, which will, in fact, bring more than \$18 million into the state coffers that we normally would not have had. I guess there has been a positive financial impact with the legislation that has been introduced to the tune of \$18 million. I think it is very important that we also keep in mind, as far as the Rainy Day Fund, which is currently at \$38.2 million, and more monies will be put into that, is the highest amount we have ever had in the history of the State of Maine. There are times, and I have stood on the floor of this Senate, stating that we should have constitutional protection for the Rainy Day Fund, I still agree with that and I still support that, and will be asking my future Representatives and Senators to support that, as well. We have an issue here that the Senator from Kennebec had raised that we have in place an income tax cap which will return monies above \$676.2 million to the lowest taxpayers in our State, return their hard earned dollars back to them. Until that is taken off the books, we should not nickel and dime this proposal out of existence. We should have the integrity and respect for the process to address it head on and to deal with it in a responsible fashion. This amendment before you does that, by creating a fund, by allowing to retain those jobs, not only for the Hathaway plant up in Waterville, but also to address the concerns of the Senator from York, saying what about the companies in his area which would like to have some assistance. They can apply, as well, and those monies will be available. They can receive bonds based on those funds being available. I think the important point which can't be lost is that the way the initial bill was funded, it was \$150,000 per year, if we didn't reach the \$676.2 million in the

income tax line, would be a loss of revenue that would exacerbate the shortfall greater than the Rainy Day Fund. The Rainy Day Fund isn't included in the shortfalls. I realize it may be a subtle point, but it's an important point. The Bureau of the Budget projected that in 1998 we should hit the \$676.2 million and that there would be monies available. That was a projection. There is no guarantee. So, there is a possibility that for the first two years that that would be a loss of revenue and would further exacerbate the shortfall than the proposal in front of you. I think it is a reasonable proposal. I know that the Counsel for the City of Waterville, the people involved in the process, feel very comfortable with the proposal that is in front of you. In fact, it is even cleaner and doesn't mess with the tax policy in Title 36, but makes sure that we are able to retain those jobs if they are able to continue the negotiations and put this package together to retain those 450 jobs in Waterville.

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

Senator **CAREY:** Thank you, Mr. President. Just a very short note. Originally a very small amendment had been prepared for this bill, but it didn't meet Bond Counsel's objections of guaranteeing, to any degree at all, that there would be money available during the life of the bond for repayment. So, the Committee, with Representative Kerr, who led the way, and obviously with his cohort, Senator Hanley, came up with this other solution. They checked with the people who represented Bond Counsel who said that it would satisfy the need that the City could then borrow, if they are to do their part in this whole deal. That's why the fund was tapped, so to speak. It will be allowed to grow, obviously, because of the funds that are going to be invested. That money will roll into the fund, as it does with other expenditures out of that fund.

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

Senator **KIEFFER:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't have a copy of that editorial in front of me, but certainly I did not only co-author it, I signed it. I would expect, perhaps, the only difference is the definition of an emergency. I have quite vivid memories of when Loring Air Base closed. That constituted an emergency for us; however, it probably didn't for people in York County. I believe the loss of 450 jobs in Waterville. I have great sympathy for the people there and I believe that constitutes an emergency. I believe I can justify my position on that. Thank you.

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

Senator **CLEVELAND:** Thank you, Mr. President. Just a moment so there is no confusion about my statements, or the direction of our purpose. Clearly I, and I think many others who voted for the proposal to provide those funds through the tax increment process, recognize the critical need, recognize the severity of it, and recognize the emergency of it. The issue here is not that recognition. The issue is how we approach it, so we balance the current needs with the future needs of this State and not allocate money unnecessarily in a dedicated fund that is not available to meet those critical needs that we are going to have next year. I am very pleased and proud, even though I don't completely agree with

having changed the policies in regards to some human services issues unnecessarily, that we are going to access those additional monies in human services. It makes sense for us to do that. Despite my reservations about the way we did it, I supported it, as did many others of my caucus to do that. The issue isn't whether or not we are going to get some more money or whether this is an emergency. We all know there is going to be serious fiscal needs in this State next year. What are the dimensions? You can add the numbers different ways. Clearly it will be in the hundreds of million of dollars. Every hundred million dollars that we can find to deal with those will be critical. The next legislature is going to be somewhat less advantaged by something like \$1.25 million to deal with that. I recognize reality. This is the way we have chosen to do this. But, I also recognize the reality of the Sophie's choice that we have put the next legislature in; and I think it is unfortunate that we have had to do it that way. I certainly recognize the need to do it; and that is why I will be voting, as I think many others will be, for keeping those jobs today, even though the way we have done it, I think, is probably not the primary and best way to have done it. Thank you.

On motion by Senator HANLEY of Oxford, Senate Amendment "A" (S-608) to Committee Amendment "A" (S-603) **ADOPTED**.

Committee Amendment "A" (S-603), as Amended by Senate Amendment "A" (S-608), thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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Off Record Remarks

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Senator CAREY of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator CAREY: Mr. President, I would ask the question of the Chair if all papers have gone forthwith to wherever they are supposed to go?

THE PRESIDENT: The Chair would answer in the negative.

On motion by Senator CAREY of Kennebec, all matters thus acted on were ordered sent forthwith.

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Off Record Remarks

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On motion by THE PRESIDENT, **RECESSED** until the sound of the bell.

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After Recess  
Senate called to order by the President.

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

**ENACTORS**

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

An Act to Assist in the Retention of Maine Jobs  
S.P. 775 L.D. 1894  
(S "A" S-608 to C  
"A" S-603)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

**JOINT ORDER** - Relative to the Legislature delegating to the Joint Standing Committee on Health and Human Services the authority to issue subpoenas and compel testimony

S.P. 777

In Senate, September 5, 1996, **READ** and **PASSED**.

Comes from the House **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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Senator LORD of York was granted unanimous consent to address the Senate on the Record.

Senator LORD: Thank you, Mr. President and my Learned Colleagues. In view of the fact that this will be my last speech as a member of the Legislature, I would like to make a few remarks, if you will bear with me for a minute or two. First of all, I want to thank all of you, for being able to work with all of you for these past two years. It has been a learning experience, and a good experience. Although we haven't agreed all together all of the time, I think we have done the job. I especially want to say that it has been a great pleasure to work with a lady that I met many years ago, and who I believe is one of the best. She is a fine lady, and that is Senator Berube. I have really enjoyed working with you.

Now, for the last couple of days, we have had some very tedious days, hard work; and some won and some lost. I think what we have got to do now is regroup. We must beat the ban on clearcutting. There is no question in my mind. We have got to beat the ban on clearcutting. We have different opinions on how it should be done, but we have got to regroup and make darn sure that we do that. If we don't, the economy of this State is going to be in a serious position. I hope that we all will work together to go ahead and beat the clearcut.

It has been a pleasure. I have enjoyed myself. God bless you all.

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Senate at Ease  
Senate called to order by the President.

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Off Record Remarks

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Senate at Ease  
Senate called to order by the President.

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Senator LAWRENCE of York moved that the Senate **ADJOURN SINE DIE**.

The Chair ordered a Division.

14 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion of Senator LAWRENCE of York to **ADJOURN SINE DIE**, **FAILED**.

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

**ORDER**

**Joint Order**

On motion by Senator KIEFFER of Aroostook, the following Order:

**ORDERED**, the House concurring, that when the Senate and the House of Representatives adjourn, they both adjourn to eleven in the morning on Friday, September 20th at which time the Senate and the House of Representatives shall meet for one legislative day for the purpose of considering possible objections of the Governor to any Bill or Resolve presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2.

S.O. 778

Which was **READ**.

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

Senator LAWRENCE: Mr. President. May I pose an inquiry to the Chair? Is not this order in violation of the Constitution and parliamentary law because it limits the veto session to one legislative day and it is impossible for a legislature to limit itself to one day?

Senate at Ease

Senate called to order by the President.

**THE PRESIDENT**: In response to the Senator from York, Senator Lawrence's, inquiry as to whether this Order was properly before the body, based on the constitutional prohibition that the Legislature may not call itself in for one day, and based on state statute that says that, "The times for adjournment for the first and 2nd regular sessions may also extended for one additional legislative day for the purpose of considering possible objections of the Governor to any bill or resolution presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2." Lacking a precedent that would extend that to the special session, the Chair would rule that this Joint Order is out of order.

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

**ORDER**

**Joint Order**

On motion by Senator KIEFFER of Aroostook, the following Order:

**ORDERED**, the House concurring, that when the Senate and the House of Representatives adjourn, they both adjourn to eleven in the morning on Friday, September 20th at which time the Senate and the House of Representatives shall meet for the purpose of considering possible objections of the Governor to any Bill or Resolve presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2.

S.P. 779

Which was **READ**.

Senator LAWRENCE of York moved that the Joint Order be **INDEFINITELY POSTPONED**.

Senator KIEFFER of Aroostook requested a Division. **THE PRESIDENT**: The pending question before the Senate is **PASSAGE**.

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.

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator LAWRENCE of York to **INDEFINITELY POSTPONE** the Joint Order, **FAILED**.

Senator LAWRENCE of York moved that the Senate **ADJOURN SINE DIE**.

Senator KIEFFER of Aroostook requested a Division. **THE PRESIDENT**: The pending question before the Senate is the motion of Senator LAWRENCE of York that the Senate **ADJOURN SINE DIE**.

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.

14 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion of Senator LAWRENCE of York to **ADJOURN SINE DIE**, **FAILED**.

On motion by Senator KIEFFER of Aroostook, the Joint Order was **PASSED**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

Senate at Ease

Senate called to order by the President.

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

**PAPER FROM THE HOUSE**

**Non-concurrent Matter**

**JOINT ORDER** - Relative to Adjourning to Friday, September 20, 1996.

S.P. 779

Comes from the House, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

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

**ORDERS**

**Senate Orders**

On motion by Senator KIEFFER of Aroostook, the following Order:

**ORDERED**, that a message be sent to Governor Angus S. King, Jr., informing him that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

S.O. 47

Which was **READ** and **PASSED**.

The President appointed the Senator from Aroostook, Senator KIEFFER, to deliver the message.

On motion by Senator AMERO of Cumberland, the following Order:



**ORDERED**, that a message be sent to the House of Representatives informing that body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

S.O. 48

Which was **READ** and **PASSED**.

The President appointed the Senator from Cumberland, Senator **AMERO**, to deliver the message.

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Senate at Ease

Senate called to order by the President.

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At this point, the Senator from Aroostook, Senator **KIEFFER**, reported that he had delivered the message with which he was charged.

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Senate at Ease

Senate called to order by the President.

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At this point, the Senator from Cumberland, Senator **AMERO**, reported that she had delivered the message with which she was charged.

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At this point, a message was received from the House of Representatives, borne by Representative **MITCHELL** of Vassalboro, informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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On motion by Senator **LORD** of York, at 6:40 p.m. on Saturday, September 7, 1996, the Honorable **JEFFREY H. BUTLAND**, President of the Senate, declared the Second Special Session of the 117th Legislature, **ADJOURNED SINE DIE**.