

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate
May 22, 1991 to July 10, 1991

Index

STATE OF MAINE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Saturday
July 6, 1991

Senate called to Order by the President.

Prayer by the Honorable Beverly Miner Bustin of
Kennebec.

SENATOR BEVERLY MINER BUSTIN: This afternoon I would like to read for you from the Jerusalem Bible on Ecchellensis, and just note that it is Chapter 6 of that Book, and note that J.R. Tolkien is one of the persons who collaborated on putting this Book together. Dear Lord, help us to understand Thy words as we read them today. Do not winnow in every wind or walk along every byway. Such is the practice of the deceitful sinner. Be steady in your convictions, sincere in your speech. Be quick to listen and deliberate in giving an answer. If you understand the matter, give your neighbor an answer. If not, put your hand over your mouth. Both honor and disgrace come from talking. A man's tongue can cause his downfall. Do not get a name for scandal mongering. Do not set traps with your tongue, for a shame lies in store for the thief, so harsh condemnation awaits the deceitful. Avoid offenses in great as in small matters, and do not become an enemy where you should stay a friend, for a bad name will earn you shame and reproach as happens to the deceitful sinner. Do not give in to the promptings of your temper in case it gores your soul like a mad bull, in case it gobbles up your leaves and you lose your fruits and are left like a withered tree. And evil temper destroys the man who has it, and makes him the laughing stock of his enemies. Amen.

Reading of the Journal of Friday, July 5, 1991.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Assigned (7/2/91) matter:

Emergency

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 652 L.D. 926
(C "B" H-735)

Tabled - July 1, 1991, by Senator **CLARK** of Cumberland.

Pending - motion of Senator **DUTREMBLE** of York to **RECONSIDER** whereby the motion to **RECEDE** and **CONCUR FAILED**.

(In House, July 1, 1991, **PASSED TO BE ENACTED**.)

(In Senate, July 1, 1991, **FAILED OF ENACTMENT**.)

(In House, July 1, 1991, that Body **ADHERED**.)

(In Senate, July 1, 1991, motion to **RECEDE** and **CONCUR FAILED**.)

Senate at Ease

Senate called to order by the President.

Senator **DUTREMBLE** of York was granted unanimous consent to withdraw his motion to **RECONSIDER** whereby the motion to **RECEDE** and **CONCUR, FAILED**.

The Senate **ADHERED**.

THE PRESIDENT: The Chair would inform the membership that it was necessary to kill this Bill so that it can get into the posture of the agreement that had been worked out last evening. It will be recalled from the Legislative Files to the House, and an amendment which has been agreed to by the Parties involved will be attached in that Body.

Off Record Remarks

The Chair laid before the Senate the Tabled and Later Assigned (7/5/91) matter:

Bill "An Act to Improve the Maine Workers' Compensation System"

H.P. 1372 L.D. 1957
(H "B" H-696; H "C"
H-697)

Tabled - July 5, 1991, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

In Senate, June 26, 1991, PASSED TO BE ENACTED, in concurrence.

Returned to the House, July 1, 1991, by the Governor, together with his objections.

Comes from the House, Bill and Accompanying Papers RECOMMENDED to the Committees on BANKING AND INSURANCE and LABOR in NON-CONCURRENCE.

The Chair RULED NOT PROPERLY BEFORE THE BODY.

Senator WEBSTER of Franklin was granted unanimous consent to address the Senate off the Record.

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

Joint Order

The following Joint Order: H.P. 1383

ORDERED, the Senate concurring, that Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993," H.P. 652, L.D. 926, and all its accompanying papers, be recalled from the legislative files to the House.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

Off Record Remarks

On motion by Senator MILLS of Oxford, RECESSED until the sound of the bell.

After Recess

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1991, June 30, 1992 and June 30, 1993" (Emergency)

H.P. 1379 L.D. 1967
(H "A" H-738; H "B"
H-740; H "C" H-741)

In Senate, July 5, 1991, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-738); "B" (H-740) AND "C" (H-741), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-740) AS AMENDED BY HOUSE AMENDMENTS "A" (H-749) AND "B" (H-750) thereto, AND HOUSE AMENDMENTS "C" (H-741); "E" (H-744) AND "G" (H-748) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

On motion by Senator TWITCHELL of Oxford, RECESSED until the sound of the bell.

After Recess

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 652 L.D. 926
(C "B" H-735)

In House, July 1, 1991, **PASSED TO BE ENACTED.**

In Senate, July 1, 1991, **FAILED OF ENACTMENT.**

In House, July 1, 1991, that Body **ADHERED.**

In Senate, July 6, 1991, **ADHERED.**

RECALLED from the Legislative Files pursuant to Joint Order (H.P. 1383), in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-735) AS AMENDED BY HOUSE AMENDMENT "A" (H-751)** thereto, in **NON-CONCURRENCE.**

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

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

On motion by Senator **TWITCHELL** of Oxford, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1991, June 30, 1992 and June 30, 1993

H.P. 1379 L.D. 1967
(H "A" H-749; H "B"
H-750 to H "B"
H-740; H "C" H-741;
H "E" H-744; H "G"
H-748)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 4 Senators 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 presented by the Secretary to the Governor for his approval.

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wanted to say that I voted for this Budget compromise with some misgivings. My misgivings were triggered when I picked up this mornings paper and read that our Governor had said that he was not confident at all that a compromise will materialize. I certainly hope that after all the blood, and sweat, and toil, and tears of all of us in getting this compromise, that everybody is going to put their all into making this work. I was called by a constituent, a state employee this morning, who has so much mistrust in the Governor that she's worried that this is just a ploy to keep state employees from getting unemployment next week, and worried that they'll be put back to work for three days and then the Budget compromise will fall through, and that they will be a long way away from a check yet again. I certainly hope that every member of this Body and on the second floor will try their best to make this happen, because we do not want to be back here on Wednesday. Thank you.

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

ORDERS

Joint Order

On motion by Senator **DUTREMBLE** of York the following Joint Order:

S.P. 778

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is need to conduct legislative business.

Which was **READ.**

THE PRESIDENT: The Chair would advise the members that it is expected to be early Wednesday morning that we will be in session. The intent of this Order is that we will be adjourning until Wednesday.

Which was **PASSED**.

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

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **PEARSON** of Penobscot, **ADJOURNED** until the call of the President of the Senate and the Speaker of the House, respectively, when there is need to conduct legislative business.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993

H.P. 652 L.D. 926
(H "A" H-751 to C
"B" H-735)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 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.

Off Record Remarks
