

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

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

In Senate Chamber
Wednesday
November 29, 1995

Senate called to Order by the President, Jeffrey H. Butland of Cumberland.

Prayer by the Reverend Dr. David L. Glusker, First Radio Parish Church of America, Augusta.

REVEREND DR. DAVID L. GLUSKER: Thank you. Let us pray. Lord God, we have some big decisions before us. Help us to be thorough in our work, to be sensitive and caring in our deliberations, and to be responsible in our decision making. We ask your blessing upon this body and all who are involved in the important process of choosing priorities for our state. May we be conscious of your presence among us and guided by your Holy Spirit. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

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

On motion by Senator **HARRIMAN** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY
Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment has preference in the Orders of the Day and continues with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the following Tabled and Later Today Assigned (November 28) matter:

JOINT ORDER relative to the Joint Standing Committee on Appropriations and Financial Affairs reporting out a bill or bills authorizing appropriations and allocations for the 1996-97 biennium and to change certain provisions of the law necessary for the operation of the State Government to the House.

H.P. 1153

Tabled - earlier in the day by Senator **LAWRENCE** of York.

Pending - **PASSAGE**.

(In House, November 28, **READ** and **PASSED**.)

(In Senate, November 28, **READ**.)

THE PRESIDENT: The pending question before the Senate is passage.

Senator **LAWRENCE** of York 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.

18 Senators having voted in the affirmative and 11 Senators having voted in the negative, the Joint Order was **PASSED**, in concurrence.

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

COMMITTEE REPORTS

House

Pursuant to Joint Order

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, pursuant Joint Order H.P. 1154 asks leave to report that the accompanying Bill "An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to Harness Racing" (Emergency)

H.P. 1157 L.D. 1591

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, in concurrence.

Pursuant to Joint Order

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, pursuant Joint Order H.P. 1152 asks leave to report that the accompanying Bill "An Act to Implement the Productivity Plan of the Department of Marine Resources" (Emergency)

H.P. 1158 L.D. 1592

Be **REFERRED** to the Committee on **MARINE RESOURCES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **REFERRED** to the Committee on **MARINE RESOURCES**, in concurrence.

Pursuant to Joint Order

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, pursuant Joint Order H.P. 1156 asks leave to report that the accompanying Bill "An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to the Animal Welfare Board, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council" (Emergency)

H.P. 1159 L.D. 1593

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills related to the Department of Agriculture, Food and Rural Resources "productivity" plan as it has impacts on the State Soil and Water Conservation Commission to the House.

H.P. 1161

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

House Papers

Bill "An Act to Increase the Number of Washington County Commissioners from 3 to 5" (Emergency)

H.P. 1162 L.D. 1595

Reference to the Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Which was, under suspension of the Rules, **READ ONCE**, without reference to a Committee.

Under further suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

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

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted on were sent forthwith.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senator **CIANCHETTE** of Somerset was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

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

On motion by Senator **MILLS** of Somerset, **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:

COMMITTEE REPORTS

House

Ought to Pass Pursuant to Joint Order

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 1153).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Report was **READ**.

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

Senator **BUSTIN:** Thank you, Mr. President. Is this "the bill"?

THE PRESIDENT: The Chair would answer no.

Which Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

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

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

ENACTOR

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

Emergency Mandate

An Act to Increase the Number of Washington County Commissioners from 3 to 5

H.P. 1162 L.D. 1595

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

Senator **BUSTIN:** Thank you, Mr. President. I apologize, I was speaking to somebody on the phone. Is this L.D. 1595?

THE PRESIDENT: The Chair would answer in the affirmative.

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 28 Members of the Senate, with No Senator 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.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

THE PRESIDENT: On the Record, in an attempt to keep potential debate to a minimum tomorrow when we come in, we are going to be closing off our ability to put in amendments. The deadline will be ten o'clock tonight. So, when we adjourn, you will have one hour to get down to the Revisor's Office with your amendments to the Productivity Task Force.

On motion by Senator **CARPENTER** of York,
ADJOURNED, until Thursday, November 30, 1995, at nine o'clock in the morning.