

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

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HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
April 14, 1988

Senate called to Order by the President.

Prayer by Reverend Raymond Brown of the Advent Christian Church in Waterville.

REVEREND BROWN: Let us bow together in prayer. Our dear heavenly Father in heaven, we come before You, gratefully, at the beginning of this new day. We thank You for our nation, our state and the various communities represented here in this Senate this morning. Each of us are blest to live in a land of liberty and freedom. May we continue to value this heritage of ours. We are especially thankful for the state of Maine, our Governor John R. McKernan, and each Legislator as well. We pray God's richest blessing to rest on each one of them on this busy day. To each Senator in this Chamber, this morning, we pray for divine wisdom. As each item on the agenda is discussed and decided upon, our prayer is that our state might truly be profited as a result. Each Senator this morning has a great responsibility to their constituents and districts that have elected them to this office. Give them Your understanding on all issues this morning we pray. May they truly be blessed from above today. All these things we pray in Jesus name. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Amend the Regulation of Lobster Parts"

H.P. 1584 L.D. 2162
(S "A" S-450 and H "A"
H-649 to C "A" H-595)

In Senate, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595), in concurrence.

In House, April 11, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-649) thereto, in NON-CONCURRENCE.

In Senate, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-649) AND SENATE AMENDMENT "A" (S-450) thereto, in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY SENATE AMENDMENT "A" (S-450) thereto, in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Establish the Maine Commission on Agent Orange and Radiation Information" (Emergency)

H.P. 1914 L.D. 2613
(H "B" H-632)

In Senate, April 7, 1988, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-632), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "D" (H-690) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333

April 11, 1988

Honorable Charles P. Pray, President
Maine State Senate
Augusta, Maine 04333

Dear Senator Pray:

It is my very great pleasure to present to you this copy of the 1988 Performance Report on Maine Public Schools. This represents the third annual printing as mandated by the Education Reform Act of 1984.

The report provides you with an in-depth, state-wide look at educational achievement, a demographic and educational profile, how education is financed, educational developments and initiatives, as well as a report on the achievements of the fine cultural bureaus within our Department.

Wherever possible we have included charts, graphs and other graphics in the presentation of some of the statistical material.

If you should wish additional information about any portion of the report, please contact my office and we will be more than glad to meet your request.

Cordially,
S/Eve M. Bither
Commissioner

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The following Communication:

STATE OF MAINE
SENATE CHAMBER
AUGUSTA, MAINE 04333

April 12, 1988

Senator Charles Pray
Dear President Pray,

The Advisory Committee on Staff Retention established in Chapter 749 of the Public Laws by the 112th Legislature is pleased to be sending you our final report. We have learned a great deal about the issues affecting recruitment and retention of direct service staff in facilities serving persons with mental retardation. Many of the issues are similar to those affecting the medical and services industries in Maine, high competition for available workers and the need for competitive wages, for example. There are also issues specific to this segment of the service industry given the needs of the persons served.

The committee believes that, if implemented, the recommendations contained in our report will be effective in improving the ability of facilities serving persons with mental retardation to recruit and retain qualified direct service staff. These are the staff who are critical to the success and effectiveness of community facilities which are enabling Maine's citizens with mental retardation to reach their full developmental potential in the least restrictive environment possible. We believe that there will be many benefits derived from our

recommendations. Direct service staff will have the opportunity to develop in their chosen career, persons with mental retardation will benefit from the increased training provided to staff, and families of persons with mental retardation will appreciate the greater stability of community facilities.

We urge you to give your full support to our report so that it will be possible to implement our recommendations.

Sincerely,
S/Senator Beverly Miner Bustin
Chair

Advisory Committee on Staff Retention
Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON EDUCATION
ONE HUNDRED AND THIRTEENTH LEGISLATURE
April 13, 1988

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Thomas A. Dukes, Jr. of Temple, for appointment as the Student Trustee on the University of Maine, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	3
	Representatives	8
NAYS:		0
ABSENT:	2	Rep. Paradis of Frenchville, Rep. Matthews of Caribou

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Thomas A. Dukes, Jr. of Temple, for appointment as the Student Trustee on the University of Maine, Board of Trustees be confirmed.

Sincerely,
S/Stephen C. Estes
Senate Chair
S/Stephen M. Bost
House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator ERWIN: Thank you Mr. President. Mr. President, men and women of the Senate. It was particularly pleasing yesterday afternoon to attend the nomination hearing on the Education Committee for a young gentleman from Temple, and Temple happens to be one of the towns in District #8, for the appointment of Student Trustee on the University of Maine Board of Trustees. This young man was one of nine students last year to receive the education assessment award for secondary students. To be considered he had to be in the ninety-nine percentile bracket in math, reading and writing tests. Under questioning by the different members of the Committee and there were quite a few questions, Tom showed that he can conduct himself well under fire, he was extremely cool, he kept his confidence, he can think on his feet, he gave good answers, quickly, without

any hesitation. I think Representative Handy was quite surprised when he asked him if he knew who sponsored the Bill to allow a student to be on the council and he said, yes I think you did Representative Handy. In reading Tom's background it was particularly pleasing to me to find out that his birthplace was Monroe Louisiana, which is a city about sixty miles from a little rural town where I was born. I would request, ladies and gentlemen, that when you cast your vote you do so in favor of the confirmation of Thomas A. Dukes, Jr. Thank you.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. Yesterday afternoon after the confirmation hearing on this member of the Board of Trustees, I asked if I could have a chance to speak with him and I did have that opportunity. He seems to be an outstanding individual and I said to him, I don't think you ought to listen to me or anybody in particular, I think you ought to make up your own mind. I hope that is what you will do." He assured me that he would and I believe that to be the case. I think that he is going to be an asset to the Board of Trustees because of all the things we need. We need people who are going to be able to say yes to some people and no to others and that may include me and that may include the Chancellor and it may include the various Presidents of the University and I think he has the kind of character that will do that.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Thomas A. Dukes, Jr. of Temple, for appointment as the Student Trustee on the University of Maine, Board of Trustees, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on EDUCATION be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:	Senators None
NAYS:	Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY
ABSENT:	Senators GAUVREAU, KERRY, TUTTLE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Thomas A. Dukes, Jr., for appointment as the Student Trustee on the University of Maine, Board of Trustees, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Senate at Ease

Senate called to order by the President.

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

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

After Recess

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Lincoln, Senator SEWALL to the Rostrum where she assumed the duties as President Pro Tem.

The President then took a seat on the floor of the Senate.

The Senate called to order by the President Pro Tem.

The Following Communication:

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
April 13, 1988

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Dr. Katherine O. Musgrave of Orono, for appointment to the Maine Milk Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Mahany of Easton

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Dr. Katherine O. Musgrave of Orono, for appointment to the Maine Milk Commission be confirmed.

Sincerely,
S/Zachary Matthews
Senate Chair
S/Robert J. Tardy
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Dr. Katherine O. Musgrave of Orono, for appointment to the Maine Milk Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BLACK, BROWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, PRAY, RANDALL, THERIAULT, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT PRO TEM - CHARLOTTE Z. SEWALL

ABSENT: Senators BRANNIGAN, KERRY, TUTTLE

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Dr. Katherine O. Musgrave, for appointment to the Maine Milk Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
April 13, 1988

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Charles F. Davis of South Gouldsboro, for appointment to the Maine Milk Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Mahany of Easton

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Charles F. Davis of South Gouldsboro, for appointment to the Maine Milk Commission be confirmed.

Sincerely,
S/Zachary Matthews
Senate Chair
S/Robert J. Tardy
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEM: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Charles F. Davis of South Gouldsboro,

for appointment to the Maine Milk Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGRICULTURE be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, PRAY, RANDALL, THERIAULT, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT PRO TEM - CHARLOTTE Z. SEWALL

ABSENT: Senators KERRY, TUTTLE

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Charles F. Davis, for appointment to the Maine Milk Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

Senate at Ease

Senate called to order by the President Pro Tem.

Senator RANDALL of Washington was granted unanimous consent to address the Senate on the Record.

Senator RANDALL: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to take a few moments this morning to share with you some thoughts in regards to the loss of Charles Gillis, who was a distinguished public servant for fourteen years serving as County Commissioner in Washington County. Colonel Gillis spent a career in the military in the armed forces of this Country and in addition to that he retired to the Washington County area which was his home and his birthplace.

He spent additional time as a high school teacher serving many young people in the Calais area. I would like to share this with you and hope that his memory will be in you thoughts this day. Thank you.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on JUDICIARY on Bill "An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding"

H.P. 1792 L.D. 2456

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-674).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-674) AS AMENDED BY HOUSE AMENDMENT "A" (H-688) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-674) READ.

House Amendment "A" (H-688) to Committee Amendment "A" (H-674) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-674) as Amended by House Amendment "A" (H-688) thereto, ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Relating to Conflict of Interest for Certain Governmental Officials and Employees"

H.P. 1766 L.D. 2419

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-687).

Signed:

Senators:

TUTTLE of York
 BALDACCI of Penobscot
 GOULD of Waldo

Representatives:

CARROLL of Gray
 BICKFORD of Jay
 LOOK of Jonesboro
 LACROIX of Oakland
 ROTONDI of Athens
 ANTHONY of South Portland
 STROUT of Windham
 HUSSEY of Milo
 BOUTILIER of Lewiston

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representative:

WENTWORTH of Wells

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-687).

Which Reports were READ.

On motion by Senator BALDACCI of Penobscot, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Madam President, this Bill is dealing with the conflict of interest for certain governmental officials and employees and we are going to be amending the Committee Amendment to deal with the Bill. The Bill, as its drafted, deals with the county and municipal officers and people serving on Boards and Commissions and members of the Executive Department that we are either dealing with or are sitting on a Board. It dealt with those particular subjects from having a one year grace period to allow some point where there would be some breathing space from when they had been working in charge of those particular issues to when they switch paths and work as a lobbyist who are trying to lobby for particular interests. So, that is a one year grace period. I would like to extend that on the amendment that I have worked out with the other members on the Committee to include Legislators and also to allow

for the ability of the Secretary of State's office to assess the fees of those people to take care of any increase in staffing requirements.

The Bill READ ONCE.

Committee Amendment "A" (H-687) READ.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-687), in concurrence.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

Bill "An Act to Establish the Maine Science and Technology Commission and to Authorize Funding for Centers for Innovation"

H.P. 1602 L.D. 2193
(C "A" H-672)

Bill "An Act to Create the Railroad Preservation and Assistance Act and to Provide for Annual Track Inspections"

H.P. 1747 L.D. 2396
(C "A" H-673)

Bill "An Act to Promote More Effective Investigations of Child Abuse Allegations in Out-of-Home Settings"

H.P. 1804 L.D. 2468
(C "A" H-682)

Bill "An Act to Make Supplemental Appropriations for Expenditures of the Judicial Department and to Change Certain Provisions of the Law Necessary to the Operation of the Judicial Department for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency)

H.P. 1866 L.D. 2551
(C "A" H-680)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Bill "An Act to Make Housing More Affordable to Maine Citizens"

H.P. 1659 L.D. 2269
(C "A" H-678)

Which was READ A SECOND TIME.

On motion by Senator WEBSTER of Franklin, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-678).

On further motion by same Senator, Senate Amendment "A" (S-456) to Committee Amendment "A" (H-678) READ.

Senator ANDREWS of Cumberland moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-456) to Committee Amendment "A" (H-678).

Senator WEBSTER of Franklin requested a Roll Call. THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Madam President. Madam President, men and women of the Senate. Several weeks ago, I went to the Economic Development Committee and spoke in front of the Committee in a public hearing on this issue. I have to admit it is the very first time I have gone to a committee hearing and testified either for or against any legislation. I have always felt, as a member of the Legislature, that I could come to the Senate or to the House when I was there and debate or argue against a Bill at that time if I felt strongly about the legislation. When I went to the hearing, I testified against the Bill solely on the basis that it was eliminating the five percent down payment on homes. I feel very strongly about it, I feel we ought to be very cautious in eliminating this five

percent down payment. For those of you who don't know what I do for a living, I frequent many homes throughout, it seems like now Maine, throughout my area working on furnaces and I find it interesting that on various occasions in the last twelve months, I have visited F.H.A. homes that have been completely destroyed. Furnaces have been completely removed from the house and I have had to install new ones because the home owner, for whatever reason, left the area and didn't have heating so I had to put a furnace in.

I want to commend the Housing Authority for what they are doing over there, particularly I want to commend the Housing Authority on their low delinquency rate. You will find very few houses that are coming back to the Housing Authority because the owner of the home can't pay their monthly mortgage payment. I would mention that my experience, out working in my business has found that V.A. homes and F.H.A. homes do not claim anywhere near the low delinquency rate in Maine that the Maine Housing Authority does. I would argue that one of the reasons is because Maine in its wisdom when we passed our law enacting the Housing Authority put in law that people buying a home under the program would have to have a down payment. I equate an example of a down payment, and I said this to the Committee and I received a couple chuckles, it reminds me of the little boy who goes to his mother and father and he says, I want a bicycle. Mom and Dad say okay, Johnny, you go out and you save up some money, you sell newspapers, you shovel driveways, you rake leaves and when you save some money up, maybe half of it, we will give you the rest. When Johnny gets his bicycle, he takes the bicycle home and when he is done playing with it he puts it in the garage. Another example is Johnny says to mommy, I want a bicycle and mommy goes and buys it. Six months later the bicycle is in the snowbank. I use this example because I believe it is very, very important that people have a vested interest in the real estate that they are buying. It seems to me that it is not unrealistic to ask someone who is buying an eighty thousand dollar home to pay four thousand dollars for a down payment. When I discussed this earlier in my caucus, some people say well can you buy an eighty thousand dollar home? Well I can tell you that you can buy a nice home in Franklin County, in rural Maine, in Somerset County and in a lot of the smaller areas, rural areas of this state for fifty thousand dollars. So, it is not unrealistic to ask someone who is buying an eighty thousand dollar home to pay four thousand dollars down.

What we have to remember here is that if this person buys a home under the Maine Housing Authority, he does not pay points. That is crucial to this argument, because you will be told that the cost of buying a home is astronomical and people can't afford to buy one and I agree. But I think you have to remember here that people buying a house, under the Housing Authority, are not paying points, they are paying lawyers fees, they are paying some closing costs, but the costs are not that tremendous. If you can't come up with the four thousand dollars for a down payment on an eighty thousand dollar home, it is highly unlikely, in my opinion, that you can afford the nine hundred dollar payments that go along with that. This is an issue that we ought to be concerned about, because we, the taxpayers of this state, have put nine million dollars from the General Fund into this program and now every single home that is sold in this state, those people selling the home are paying a tax to the state going to this program to keep this program rolling.

It seems to me that it is not unreasonable to expect people to come up with some money in this program. For those reasons I would ask, members of this Senate, to seriously look at supporting this amendment. I would think we would learn from the past records of F.H.A. and V.A. in this state and their high delinquency rate and I sincerely believe the reason that they are getting more homes back that aren't being paid for is because they don't have the requirements of down payment that we do. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Madam President. Madam President, men and women of the Senate. Yes, indeed the good Senator from Franklin, Senator Webster, did appear before the Joint Standing Committee on Economic Development when we held a public hearing. He was welcome and he always is welcome to come and present his views to our Committee. Yes he did address the issue in much the same way as he has addressed this issue on the floor of the Senate. And, indeed, the Joint Standing Committee on Economic Development considered his views very carefully when we discussed the Bill. We looked at the facts, we did some homework and we came and decided unanimously to not go along with what the Senator from Franklin, Senator Webster, was suggesting. Let me just review for you why we came to that unanimous decision. First of all, the piece of legislation that we are dealing with here is a piece of legislation that attempts to take a step in the direction of confronting the tremendous housing crisis that we face in Maine. That housing crisis is everywhere, it has a variety of manifestations, on the continuum you have on one hand the increase number of homeless people, on the other hand the increasing numbers of people who can't afford to buy their first home. So, this piece of legislation tries to take a significant step in addressing that problem in a multifaceted way.

The five percent issue has to be put into some historical perspective. First of all, we established that five percent rule in 1982. What has happened since 1982? The average cost now, we are talking state-wide average, associated with the Maine State Housing Authority loans, are up close to forty percent since 1982, since that five percent, forty percent increase. If you look at rent figures, rent figures have increased on state average, three hundred and thirty-five percent since 1970 and in the last six years, since we established this five percent arbitrary figure, they have increased by seventy-four percent, that is the cost of rent. The medium selling price of a house has increased four hundred and ninety-two percent since 1970 and it has increased eighty-three percent on state-wide average since we passed the law six years ago.

What we are finding, and when we ask those who came before the Committee with extensive experience in this area, that there are many people in this state who have a good, solid credit rating who are making steady rental payments, without any trouble whatsoever. In fact, there was substantial evidence before the Committee that many people who are paying those substantial rents are actually paying more for rent now than they would be paying a mortgage under the Maine State Housing Authority and their credit rating in establishing in paying those rents has been excellent. What we are finding is that this five percent arbitrary figure in law is preventing the Maine State Housing Authority the discretion to allow someone to buy a home even though they can't come up with the five percent figure on a home. That five percent is significant when you consider not simply

the increasing costs of homes and the rents, but when you consider the closing costs on homes today in Maine. I would beg to differ with the good Senator from Franklin, Senator Webster, when he describes those costs as just some costs and insignificant costs, unreasonable costs, in fact on that eighty thousand dollar home that he mentioned, yes indeed we are talking about four thousand dollars for five percent, we are also talking about appraisal costs, credit report, title examine, title insurance, mortgage survey, mortgage insurance, the list goes on, and those costs, those costs ladies and gentlemen of the Senate, have increased substantially. So you have that person trying to buy that eighty thousand dollar home, not paying four thousand dollars, but paying substantially more than that. The Housing Authority average figures have someone in 1982 paying thirty-three thousand, two hundred and forty-one dollars state-wide, in 1988, five thousand, five hundred and eighty-nine dollars on a home that costs substantially less than eighty thousand dollars. The point to the five percent figure in 1982, was to make certain that the people who were purchasing the homes had the ability to make their payments. That was the standard, that was in 1982. We are now talking about a dramatically different situation in 1988 and the Housing Authority is saying that the five percent figure is no longer doing the job that we thought we were doing in 1982.

The issue before us today, if you look at the amendment and if you look at the Committee Amendment that it is seeking to amend, is very significant. We are not asking for the Housing Authority, we are not ordering the Housing Authority, to drop the five percent. We are not doing that. We are simply giving the Housing Authority the discretion to adjust that figure according to prudent principles in making loans. But we are allowing the Housing Authority to say if, in fact, we have this type of circumstance that I am describing and the person is a good credit risk and has shown responsibility and can make those payments, that perhaps we can reduce that five percent to a figure lower than that. That we leave it to the Housing Authority to make that decision. The question then really is not five percent, four percent, three percent, one percent, the question is are we willing, as a Legislature, to give the Maine State Housing Authority the discretion and the responsibility to look at the reality of the housing market in 1988 with respect to the housing crisis we are facing and make its decision based upon its prudent judgment. That is what the issue is and I believe, ladies and gentlemen of the Senate, that they want that discretion and that responsibility and if you don't think the Maine State Housing Authority can handle that responsibility then I would like to hear any shred of evidence to support that kind of lack of faith in the Housing Authority. Any shred of evidence at all. The Maine State Housing Authority has generated a national reputation of excellence for its programs. We have already heard on the floor of this Senate today, as we heard in the Committee, of the excellent track record that the Housing Authority has demonstrated in providing its loans and it is not because, even though we like to pat ourselves on the back as Legislators, that we set an arbitrary figure of five percent. It is because the Housing Authority has exercised its responsibility in a way that is making a national reputation for it. That is why it has the reputation that it has, not because we saddled it with an arbitrary figure in statute. Ladies and gentlemen of the Senate, let's look at this amendment for what it is, let's look at the facts for what they are and let us address this issue

of the basis of allowing the Maine State Housing Authority the discretion to do the job that it was established to do. Thank you.

Off Record Remarks

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Madam President. Madam President, men and women of the Senate. When I woke up this morning at five-thirty and went out to repair two furnaces this morning before I came down here, I knew it was a twist of fate that I happened to talk to one of the customers and he happened to tell me that he bought his home through Maine State Housing Authority. It is also interesting to know that he mentioned to me that he owns eleven acres of land and the Housing Authority told him that he could only buy three acres, so he bought three acres with the house and the other eight acres for one dollar to pay for that separate transaction. So, we all understand how the rules are made and how the rules are bent and I really thought that was an interesting discussion. I thought I would share that with you today. Obviously, rules are not always upheld, there are ways of getting around everything and I share the good Senator from Cumberland, Senator Andrew's support of the integrity and the well meaning of the Housing Authority, but we, as Legislators, are here to make policy and I fought for years, as all of you have, either for or against depending upon the situation giving bureaucracy government more rights, more of a chance to make rules and regulations, I want to see something like this in law, I don't want some bureaucrat anywhere making the decision.

When I went to the Committee I said, look if you can't support five percent that is fine, I would prefer to have five percent, I believe it is a reasonable figure, if you can't give five percent then make them have three percent, make them have an investment in the property. Furthermore and most important, put in the law that just like V.A., just like F.H.A., if the house is sold in five years and these people make twenty thousand or ten thousand or whatever it is that the state, the taxpayers who gave these people the chance to buy the house, ought to get at least a percentage of the profit. What happened? The Housing Authority came in and said, I was at the hearing and I sat there through the whole thing, don't worry about that we will put that in rule. Well, I think I want that in law and I want this in law, I want it on the books that we are making the policy decision here in Maine that you have to pay something, we aren't just going to say, okay. We are concerned about housing, I know we are concerned about housing, but we want you to come up front and have some commitment in that property and if you give the Housing Authority the ability to decide, I will guarantee you here on the Senate floor today that there won't be a house sold within two years that has any down payment. If you are going to start doing that I will come back here two years from now, if I am still here, and tell you that this didn't happen, because I don't believe it will. I think it is a policy matter that this Legislature ought to realize that we are concerned about housing, I am not saying anything about anything else in this Bill, this is a comprehensive piece of legislation and I am not saying that we shouldn't enact this Bill. I am saying you ought to keep sound fiscal prudent policy in law and I believe that history has shown, if you look at the record of delinquency rates

in V.A. and F.H.A., that their policy hasn't worked and ours has. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Madam President. Madam President, men and women of the Senate. I would like to pose a question through the Chair to the good Senator from Franklin. Having listened to his support of the Maine State Housing Authority program and his support for giving young men and women of our state the opportunity to own their own home, which we all believe is important, almost a basic right to citizenship. How did the good Senator from Franklin, Senator Webster, vote on the creation of the Maine State Housing program?

THE PRESIDENT PRO TEM: The Senator from Kennebec, Senator Matthews, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Madam President. For your information good Senator from Kennebec, Senator Matthews, I would pose an additional question as to how you voted?

THE PRESIDENT PRO TEM: The Senator from Franklin, Senator Webster, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Madam President. I voted in favor. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Madam President. Madam President, men and women of the Senate. I just wanted to rise to remind the members of the Senate that the average price of a home in Maine today is about seventy-eight thousand dollars and it really varies from region to region within the state, going from a low of about fifty-two thousand in some areas to a high well over one hundred thousand. It may very well be, and I am sure it is since I live adjacent to the good Senator from Franklin, Senator Webster's district, that those homes are below the average, in fact in the city of Waterville, they are even below the state-wide average and the average selling price these days. So, perhaps it is not a problem in his district for people to have to put down five percent on top of all the other closing costs, but in many parts of the state it is. Those with good substantial fairly middle incomes still are not able to save as well as pay rent up to a five percent. It just seems to me inappropriate to have a statute to require five percent in law, given those circumstances. By the way, this Legislative Body confirms the members of the Authority as well as the Director and we from time to time have the opportunity to discuss policy with them. We do receive their rules and regulations and certainly there are things that are much more appropriately done by rule, giving changing economic circumstances and times. I believe this is one of them. I urge you to support the good Chairman of the Committee on Economic Development. Thank you.

Off Record Remarks

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Madam President. Madam President, men and women of the Senate. I suppose considering the activity that I am engaged in, in the business world, I should be supportive of the position of Senator Andrews of Cumberland. Since presumably the effect of the Bill generally would be to increase housing. I am not sure that would necessarily happen, but I assume that is the expectation. I guess I have been in the business long enough so I recall the days when one considered a conventional bank mortgage on housing to require twenty, twenty-five or thirty percent for a down payment on a conventional loan. This wasn't so awfully many years ago and at that time the guarantors, like Farm Home Administration, Federal Housing Administration, the Veterans Administration, who are guaranteeing mortgage loans, gradually eased into a position where they were only requiring a ten percent down payment. I recall at the time thinking that was a very modest down payment and people were really excited to be able to buy a new home with such a small amount of equity. Gradually we progressed to the point where some of those agencies, including the Maine Housing Authority, guaranteed loans and required only five percent down payment. We all recognize that housing costs have gone up, but so has everything else, wages, salaries, general income levels have also appreciated. At the same time that is done, we are decreasing in an attempt to make more housing available to more people our down payment requirements. It seems to me that the five percent level is sort of a reasonable level and it doesn't seem to me that we ought to go to the zero point. It seems to me there we invite all sorts of difficulty. We make it so easy to own a home that we discourage any ability on the part of the home owner to really care about his property. He is really almost renting it. It seems to me that while it may, and I will say may, create additional housing for additional people it also may create a higher risk level for the holders of the mortgage. It creates a higher risk for the Maine State Housing Authority. It creates a higher risk, if you will, for the taxpayers of the state of Maine. I think that the Senator from Franklin, Senator Webster, is right on target when he suggests that we ought to maintain the five percent threshold. Thank you Madam President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Madam President. Madam President, men and women of the Senate. I don't want to prolong this too much longer, but I do serve on the Economic Development Committee and I would like to remind the Senator from Franklin County that six years ago, I believe it was, when the five percent went on, that I was very much in favor of it, I strongly supported the five percent, I believed in it, but a great deal has happened in the last six years. I don't think I have moderated that much, I am as conservative person as there is here, but I can tell you that I am also on the Governor's Task Force, as several others are in the Chamber are, on affordable housing. Today many people in their rental are paying fifty percent of their income for rent, which certainly would justify the cost of housing if they owned it. The point has been made several times that this is going to be a risk to the state. I believe we are talking about the amendment. The State Housing Authority, under this program, does not necessarily have to give a zero down payment, it could give one percent, two percent, three percent, four percent and even five percent, it depends upon the circumstances and on the ability of the person to pay. It also has to take these units,

these mortgages, and they are put out to the banks, the banks take these over. No bank is going to take over anything that is a tremendous risk and it costs money for the bank to take this over, so people are going to have to pay up to two thousand dollars. That is the down payment, because they have to pay as has been stated, the legal fees, and all the things that have to be done before you can purchase a piece of property. I have no great problem with this because we have told the Housing Authority and we will review it in the Committee that any loss because of reduced interest if this property should be sold, will be retained and taken from the profits of the sale of the house. We have demanded this and it will be in the rules. If it is not in the rules, many of you will be here next year and we can change it. I think, under the circumstances, it is probably a good thing for the state for the first time home buyer and that is what we are talking about to have an opportunity to buy a home and of course what this does is open up a rental perhaps for somebody else. I am sorry I have to oppose the gentlemen from Franklin, but I am going to vote with the Committee.

Senator WEBSTER of Franklin requested and received Leave of the Senate to speak a third time.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Madam President. Madam President, men and women of the Senate. I just want to briefly add several points. First of all, the good Senator from Cumberland, Senator Dillenback, has brought to our attention that the banks make the loan, I would like to add that the banks are guaranteed that loan through the Housing Authority and if the bank forecloses that the Housing Authority makes good on it, which is the taxpayers, directly or indirectly, of the state. One of the things that I think we also should mention is that many of the people who live in southern Maine really aren't even effected by this and let me tell you why. If the argument is that housing is eighty, ninety, one hundred and some thousand dollars to buy a house in southern Maine, as a matter of fact my sister-in-law has been looking at a house, and a house of thirty-five to forty thousand dollars in my area was selling for one hundred and ten thousand dollars in Portland. So, I understand the problem, but the Housing Authority has a limit of eighty-five, in the low eighties as to what they can loan. So, we are never talking more than a four thousand dollar down payment, never. Because they can't lend one hundred and twenty thousand dollars to a first time home buyer, they can only lend the maximum which is eighty-five or eighty-six thousand. So, we are only talking four or five thousand dollars.

The good Senator from Cumberland, Senator Andrews, has mentioned the closing costs and I think he mentioned a figure of five or six thousand dollars, I believe of the things he mentioned in debate here today you would add those up and I would guarantee you that you are talking approximately between two thousand and fifteen hundred dollars total cost is what this person is going to have in this house if we are going to lend him money for eighty thousand dollars. One last point I would like to address was during the debate in the Legislature back in 1982, it is my personal opinion that if we had not put the five percent down payment on the Bill it would not have passed. My opinion is that was one of the reasons that the legislation passed by a slim margin in the Maine House at that time. It is my opinion that it might have had some difficulty passing because that was a safe guard that many of us

felt would insure that perhaps the taxpayers money would be better spent.

On motion by Senator WEBSTER of Franklin, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Madam President. Madam President, men and women of the Senate. The Senator from Franklin, Senator Webster, has suggested to members of this Body that if the five percent down payment requirement were not included in the legislation which created the Maine State Housing Authority that the legislation probably would not have passed. I find that perplexing because, Members of the Senate, what this amendment seeks to do is to undo what you and I have already done this Session. L.D. 2186, which was sponsored by Senator Clark from Cumberland, Senator Black from Cumberland, Representative Erwin from Rumford, and Representative Stevens from Sabattus, that measure was passed in this Chamber under the hammer on the eleventh day of April, 1988, in an amended version. The amendment that I presented at the time of the public hearing was to strike the language that requires the Maine State Housing Authority to obtain a down payment of not less than five percent of the price paid for housing. That measure was reported out of the Committee on Economic Development with a unanimous ought to pass as amended report. I would submit to you that the fact that the five percent down payment contained in the legislation in 1982, was not the fulcrum upon which this Legislature passed that legislation at that time. For all of you here in this Chamber have already agreed that the Maine State Housing Authority should be granted the flexibility to determine in the loan processing, whether or not the applicant should be assessed a down payment of five percent and based on the conditions and the peculiarities of that applicant, whether the flexibility should be afforded to lower the down payment requirement. Hear me closely, lower not necessarily eliminate. The alteration that I proposed in that measure in which this Legislature has already approved would address a problem that is exacerbated not just in Southern Maine, this is not a Southern Maine issue, for the prices of land and particularly housing, affordable housing, is quickly going out of sight in other areas of the state too. The fact that there is a higher cost, a purchase price, necessitates a higher down payment and that means that young people, young couples particularly, are less likely and less able to come up with that much cash that would be represented by a full five percent. Please understand, Members of the Senate, that this does not automatically mean that we are going to eliminate the down payment requirement. It simply provides the Housing Authority, which all of us endorse and to which all of us subscribe and which I feel rather confident that all of us refer constituents to who qualify, it simply provides them with the flexibility to respond to the real market conditions and the personal credit history of the applicant rather than leaving it an arbitrary five percent down payment.

There is another benefit to the retention of the flexibility and that is that "the five percent down payment requirement does not allow the flexibility to create ownership sharing or equity sharing programs for particularly high-cost areas of the state so that working families who simply could not afford the only reasonable, available home in the community because the price is too high, might have the opportunity or might be precluded from the opportunity to purchase

the home." I am reading from some of the testimony that I presented at the time of the hearing and I would remind you that we would be taking a step backward from an affirmative step in which we all participated on the eleventh day of April this year. I recognize that this Legislature and this Senate does change its mind and that is perhaps what will happen here this day. But I certainly hope that we don't change our mind, for there is no evidence to substantiate the need to undo what we already have done once this Session. It would have been that much easier to oppose the motion to reconsider when it was tendered by the Senator from Franklin, Senator Webster, but this is not a partisan issue and I do believe and subscribe to the opportunity afforded all of us that we can offer amendments on the floor and would rather debate the issue rather than the motion to reconsider. Besides that, it is a common courtesy that we, as Members of the Senate, extend to colleagues. But I do urge you this morning to support the pending motion of Indefinite Postponement of the proposed amendment which would undo what we have already done and remove any flexibility from a state agency that has proven to be responsible, efficient, effective and one state agency that is not part of what we call virgining bureaucracy that becomes more inefficient as it expands. It is a particular state agency to which all Maine citizens and particularly the Legislature, can look to with pride. For it serves directly and promptly the needs of not only the housing market, but the needs of the citizens of this state who above all need affordable housing. I know from that which I speak. There were a couple of years ago incidences in my own life in which I, in order to retain residency in a community in which my family has resided since it was a fishing village of record, needed to live with friends for a period of two months following the sale of a home. For I was unable to locate affordable rental housing in that community - affordable rental housing in that community that I could pay from the net proceeds of an entire months teaching salary. It was not available. That is reflecting the real housing crunch in Southern and Mid-Coast and particularly, Coastal Maine and all of us recognize that that kind of crunch and increasing in property values which necessitates an increased down payment, is moving inland and we have attested to that time and time again in this Chamber. Please support the pending motion. Thank you Madam President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Madam President. Madam President, men and women of the Senate. I would like to make three points in response to comments that have been made on the floor today on this issue. The first one has to do with an implication that I am hearing from some of the testimony here. Quite frankly, that disturbs me. The implication that if someone has a limited amount of equity in a home or no equity in a home, then they are going to trash their home. We heard it referred to in a few ways that we shouldn't discourage an owner to care about his home by reducing the down payment requirement. We heard a story today about the bicycle being left outside by the child who doesn't work for that bicycle and we heard the story of the F.H.A. homes that were trashed that the Senator from Franklin, Senator Webster, gave us testimony on. Well, I think that that implication and it wasn't a very subtle implication, is very disturbing to me and I think to most people in this Chamber. To say that those of us in this state who do not have the capital to come up with the money for

a five percent down payment are going to trash their homes, or that they are less than responsible, or that the thousands of people and the hundreds and hundreds of families in my district who rent out of necessity, leave their bicycles outside or trash their homes, is insulting. I am sure if they heard themselves being referred to in that way, they would be resentful and I am resentful. Ladies and gentlemen of the Senate, the people in this state who are unable to afford the arbitrary five percent are not people who are irresponsible, who trash their homes and who are not going to make a good faith effort and be successful in making their payments on a mortgage. The Maine State Housing Authority has the responsibility to make certain that those people are qualified buyers and are able to make that commitment. That is what we are talking about here. I believe that given the reality, the reality of the housing shortage and crisis in this state that it is very, very reasonable to allow that discretion and to recognize that those people who cannot come up with five percent are not necessarily people who are going to trash their homes.

The second point has to do with the closing costs that the Senator from Franklin, Senator Webster, claims is very, very small. If you look at those costs, let's say for the purchase price of a home of fifty-eight thousand dollars, we are talking about two hundred dollars for appraisal costs, two hundred and twenty-five dollars for a mortgage survey, four hundred and fifty dollars for title exams, one thousand one hundred dollars for P.I.T.I reserve, six hundred and six dollars for mortgage insurance, now that is not just a few hundred dollars if you count that up and that is on a fifty-eight thousand dollar home. On an eighty thousand dollar home those closing costs go up, so it is not insubstantial. Don't cast your vote because you have been misled in thinking that those costs are not substantial. They are substantial and we have the documentation to back that up.

Finally the comment from the good Senator from Aroostook, Senator Collins, that housing costs have risen but indeed incomes have risen. Again, he is correct. If you look at the facts you will see that the income levels compared to the housing levels are completely out of whack. I would ask you simply to look at the average cost of a home state-wide and the increase of eighty-three percent in just six years, eighty-three percent in just six years and ask yourself if the working families in your district have had an eighty-three percent increase in their income in six years - working families. Ask yourself if the people in your district, those working families who are struggling and working very hard, if the dramatic increase in the percentage of their income to housing indicates that their income is going up as high as the housing costs are going up. It is simply not true and if you allow a person the chance to buy their home, not only can they decrease the costs that they are paying for housing because we found that in many instances, the mortgage costs will actually be less than the rent that they are paying now, but we will find that they will be building up equity in their home and be making an investment with those mortgage payments as opposed to simply paying out their rent check never to see it again. This is an opportunity for those people to build equity in their homes and build equity in their families. These are families that work hard, that are caught between a rock and a hard place. They are not people who trash their homes and we are simply asking that the Housing Authority recognize the reality of 1988,

and apply prudent principles and standards in making loans based upon that reality. Thank you very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCIO: Thank you Madam President. Madam President, men and women of the Senate. I would like to pose a question through the Chair. The question I have is that in reading the Bill there is a fiscal note attached to the Bill for three million dollars and listening to the good comments from the Senator from Aroostook and the Senator from Franklin and the Senator from Cumberland, I was concerned about the fact that by eliminating the five percent floor in allowing flexibility, is there some tie to the requirement of insurance being covered for those loans that would require the Maine State Housing Authority to set up its own state insurance fund, if you will, and that is what this three million is all about.

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Baldacci, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Madam President. Madam President, men and women of the Senate. That has nothing whatsoever to do with this program as far as the five percent down payment. Today our insurance that we have to purchase for the housing programs that we presently have is based on the overall averages throughout the United States. As you know, in Texas and areas like that, Arizona, and some of these other places, the foreclosures have been very high and therefore, it is all reflected in the rate. You take New England and there has been very few losses. As a matter of fact, the housing program has only had a one percent loss. By the way, the three million dollars that is taken from the General Fund is to be repaid into the General Fund. It is basically a loan, so there is no connection whatsoever with this five percent.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Madam President. Madam President, men and women of the Senate. Thank you Madam President, ladies and gentlemen of the Senate. I just wanted to set the record straight. I think an inference has been made today that doing away with the five percent down payment is going to help working families. That is true, but ladies and gentlemen of the Senate, I think we are forgetting about an increasing occurrence across our state and our country today and that is single parent families. What about those where there is one parent and children in that family. Then you have day care needs and all kinds of other concerns that enter into this problem. I think we should remember that there are an increasing amount of working single parent families in our state and breaking the cycle of rental after rental after rental is important and nothing makes one more proud in this country than owning their own home and the Legislature's job is to help them provide that impetus so they can become a homeowner.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of Senator ANDREWS of Cumberland, to INDEFINITELY POSTPONE Senate Amendment "A" (S-456) to Committee Amendment "A" (H-678). A Roll Call has been ordered.

A vote of Yes will be in favor of the motion of INDEFINITE POSTPONEMENT.

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 ANDREWS, BERUBE, BLACK,
BRANNIGAN, BRAWN, BUSTIN, CLARK,
DILLENBACK, DOW, DUTREMBLE, ERWIN,
ESTES, GAUVREAU, GILL, KANY, LUDWIG,
MATTHEWS, PEARSON, PRAY, RANDALL,
THERIAULT, TUTTLE, TWITCHELL,
USHER,

NAYS: Senators BALDACCI, CAHILL, COLLINS,
EMERSON, GOULD, MAYBURY, PERKINS,
WEBSTER, WHITMORE, THE PRESIDENT PRO
TEM - CHARLOTTE Z. SEWALL

ABSENT: Senator KERRY

24 Senators having voted in the affirmative and
10 Senators having voted in the negative, with 1
Senators being absent, the motion by Senator ANDREWS
of Cumberland, to INDEFINITELY POSTPONE Senate
Amendment "A" (S-456) to Committee Amendment "A"
(H-678), PREVAILED.

Committee Amendment "A" (H-678) ADOPTED, in
concurrence.

Which was PASSED TO BE ENGROSSED, as Amended, in
concurrence.

Bill "An Act Concerning the Statutory
Organization of Boards and Commissions"

H.P. 1710 L.D. 2347
(C "A" H-677)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled
until Later in Today's Session, pending PASSAGE TO BE
ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

Bill "An Act to Prohibit the Sale of the
Substance Amyl Nitrite, Commonly Referred to as
"Rush" or "Lockerroom," to Minors"

S.P. 761 L.D. 2024
(C "A" S-455)

Resolve, Establishing the Commission to Study the
Status of the Nursing and Health Care Professions in
Maine

S.P. 847 L.D. 2203
(C "A" S-454)

Which were READ A SECOND TIME and PASSED TO BE
ENGROSSED, as Amended.

Sent down for concurrence.

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

SENATE PAPERS

Resolve, Authorizing Exchange of Certain Public
Reserved Land

S.P. 996 L.D. 2632

Presented by Senator PERKINS of Hancock

Cosponsored by: Representative FARREN of
Cherryfield, Senator USHER of Cumberland,
Representative JACQUES of Waterville

Which was referred to the Committee on ENERGY AND
NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following Leave to Withdraw Reports shall be
placed in the Legislative Files without further
action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Maximize the Effectiveness of
Funds Appropriated for Long-Term Care"

S.P. 789 L.D. 2066

Bill "An Act Concerning the National Bicentennial
Competition" (Emergency)

S.P. 905 L.D. 2351

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, for Laying of the County Taxes and
Authorizing Expenditures of York County for the Year
1988 (Emergency)

H.P. 1927 L.D. 2627

In Senate, April 12, 1988, PASSED TO BE
ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-694) in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1924

JOINT RESOLUTION COMMEMORATING YOM HASHOAH,
THE "DAYS OF REMEMBRANCE" OF THOSE WHO SUFFERED
AS VICTIMS OF NAZISM

WHEREAS, 43 years ago, 6 million Jews were
murdered in the Nazi Holocaust as part of a
systematic program of genocide and millions of other
people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should
always remember the atrocities committed by the Nazis
so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should
continually rededicate themselves to the principle of
equal justice for all people, remain eternally
vigilant against all tyranny and recognize that
bigotry provides a breeding ground for tyranny to
flourish; and

WHEREAS, April 14, 1988 has been designated
internationally as a Day of Remembrance of Victims of
the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an
Act of Congress will be commemorating the week of
April 11th through April 17th as the "Days of
Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the
State of Maine to join in this international
commemoration; now, therefore, be it

RESOLVED: That We, the Members of the 113th
Legislature of the State of Maine now assembled in
Second Regular Session, on behalf of the people we
represent pause in solemn memory of the victims of
the Holocaust, and urge one and all to recommit
ourselves to the lessons of the Holocaust through
this international week of commemoration and express
our common desires to continually strive to overcome
prejudice and inhumanity through education, vigilance
and resistance; and be it further

RESOLVED: That suitable copies of this Memorial,
duly authenticated by the Secretary of State, be
transmitted to the United States Holocaust Memorial
Council in Washington, D.C., on behalf of the people
of the State of Maine.

Comes from the House READ and ADOPTED.
Which was READ and ADOPTED, in concurrence.

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

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Substantially Revise the Driver Education Evaluation Program" (Emergency)
H.P. 1838 L.D. 2515

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1988 (Emergency)

H.P. 1931 L.D. 2631

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1489.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-692).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

House Amendment "A" (H-692) READ and ADOPTED.

The Resolve as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities"

H.P. 1694 L.D. 2327

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-691).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-691).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-691) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Increase the Frequency of Restaurant Inspections"

H.P. 1775 L.D. 2428

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-689).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-689) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Preserve Existing Rental Units which have been Constructed with Federal Assistance and Tax Benefits for Moderate-Income and Low-Income People"

H.P. 1693 L.D. 2322

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-679).

Signed:

Senators:

ANDREWS of Cumberland

KANY of Kennebec

DILLENBACK of Cumberland

Representatives:

MAHANY of Easton

BAILEY of Farmington

ARMSTRONG of Wilton

CARROLL of Gray

STEVENS of Bangor

MELENDY of Rockland

PRIEST of Brunswick

CROWLEY of Stockton Springs

HICHBORN of LaGrange

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representative:

STANLEY of Cumberland

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-679) AS AMENDED BY HOUSE AMENDMENT "A" (H-693), thereto.

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-679) READ.

House Amendment "A" (H-693) to Committee Amendment "A" (H-679) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-679) as Amended by House Amendment "A" (H-693) thereto, ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

On motion by President PRAY of Penobscot, RECESSED until 2:30 this afternoon.

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 reported as truly and strictly engrossed the following:

An Act Relating to the Maine Uniform Transfers to Minors Act

H.P. 642 L.D. 865
(H "A" H-615; C "A" H-602)

An Act to Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes and Great Ponds

H.P. 1671 L.D. 2289
(S "A" S-436 to C "A" H-585)

An Act to Establish On-Site Day Care at the Capitol Complex

H.P. 1678 L.D. 2307
(S "A" S-425 to C "A" H-625)

An Act to Amend the Maine Tort Claims Act
S.P. 932 L.D. 2443
(C "A" S-433)

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

An Act to Amend the Requirement that Counties Contribute to the Support of the Superior Courts and the Supreme Judicial Court

H.P. 1677 L.D. 2306
(C "A" H-647)

On motion by Senator TUTTLE of York, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDER whereby Committee Amendment "A" (H-647) was ADOPTED.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-647), in concurrence.

An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act

H.P. 1687 L.D. 2316
(S "A" S-437 to C "A" H-641)

On motion by Senator USHER of Cumberland, Tabled until Later in Today's Session, pending ENACTMENT.

An Act to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws

H.P. 1731 L.D. 2374
(H "A" H-650 to C "A" H-597)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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 Provide Regulatory Oversight of Over-the-Road and Over-the-Rail Transportation of Hazardous Materials and to Increase Revenue to the

Maine Hazardous Waste Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund

S.P. 955 L.D. 2533
(S "A" S-435 to C "A" S-426)

An Act Relating to 6-Axle Vehicles Carrying General Commodities

H.P. 1919 L.D. 2618

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

Emergency

An Act to Regulate the Use of Oxen, Pony and Draft Horse Competitions

H.P. 1565 L.D. 2132
(C "A" H-642)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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:

Emergency

An Act to Create a Home-Based Treatment and Education Demonstration Program for Persons with Mental Illness and their Families

S.P. 898 L.D. 2334
(S "A" S-442)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

An Act to Improve the Linked Investment Program for Agricultural Loans

H.P. 1718 L.D. 2357
(C "A" H-646)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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:

Emergency

An Act to Make Changes in the Laws Concerning Licensed Maine Guides and Related Laws

H.P. 1767 L.D. 2420
(H "A" H-654 to C "A" H-611)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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.

Emergency

An Act to Correct Errors and Inconsistencies in the Laws of Maine

S.P. 950 L.D. 2521

(C "A" S-404)

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

Emergency

An Act to Amend the Rehabilitation System under the Workers' Compensation Act

H.P. 1915 L.D. 2614
(S "A" S-416; H "A" H-614; H "B" H-657)

On motion by Senator PEARSON of Penobscot, placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

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 Expand the Property Tax Circuit Breaker Program"

H.P. 1882 L.D. 2574
(C "A" H-652)

In Senate, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652) AS AMENDED BY HOUSE AMENDMENT "A" (H-702), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1988 (Emergency)

H.P. 1921 L.D. 2621

In Senate, April 7, 1988, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-700) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Concerning the Authority of the Maine Municipal Bond Bank to Issue Certain Bonds and to Establish and Administer a Revolving Loan Fund"

S.P. 992 L.D. 2625
(C "A" S-448)

In Senate, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-448).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-448) AND HOUSE AMENDMENT "A" (H-699) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Authorize the Annexation of Cove Point Township by the Town of Greenville"

H.P. 1929 L.D. 2629

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 AS AMENDED BY HOUSE AMENDMENT "A" (H-697), without reference to a Committee.

Senator TUTTLE of York moved that the Bill be referred to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator TUTTLE of York to REFER to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

Bill "An Act to Authorize Knox County to Raise up to \$4,900,000 to Construct a New Jail and Law Enforcement Facility"

H.P. 1932 L.D. 2633

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.

Under suspension of the Rules, the Bill READ ONCE, without reference to a Committee.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

COMMITTEE REPORTS

House

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)

S.P. 946 L.D. 2494

Have had the same under consideration and ask leave to report that the House Recede from Passage to be Engrossed, Indefinitely Postpone House Amendment "A" (H-478); Read and Adopt Conference Committee Amendment "A" (H-696) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (H-696) in Non-Concurrence. That the Senate Recede and Concur with the House.

Signed on the part of the House:

Representative GWADOSKY of Fairfield
Representative CROWLEY of Stockton Springs
Representative WILLEY of Hampden

Signed on the part of the Senate:

Senator CLARK of Cumberland
Senator ANDREWS of Cumberland
Senator WEBSTER of Franklin

Comes from the House with the Conference Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-696) in NON-CONCURRENCE.

Which Report was READ.

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

Senator SEWALL: Thank you Mr. President, I would like to pose a question through the Chair. Would someone please explain what this does and what position it is in if we accept this Committee of Conference Report.

THE PRESIDENT: The Senator from Lincoln, Senator Sewall, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. The Committee of Conference Report endorses the concept that the funding for the Star Program originate from the General Fund. In addition, there is one minor alteration in section five of both L.D. 2039 and L.D.

2494. That section was deleted in response to the change in the source of the funding. Originally, there was a provision that was included in the original Bill to exempt workers in the Star Program from contributing their previous employers experience rating. It was felt that because employers paid for the program, increasing experience ratings would in effect be double taxing them. So, the Committee of Conference, when it changed the funding to the General Fund, deleted this provision to be consistent with other training programs and there is no other training program in our state that allow for an exemption on an employers experience rating. So, we simply made that consistent and adopted the General Fund as the source for funding this proposal. I hope that answers fully the question of the good Senator from Lincoln, Senator Sewall.

Senator DUTREMBLE of York moved to TABLE for 1 Legislative Day, pending ACCEPTANCE OF THE CONFERENCE OF COMMITTEE REPORT.

Senate at Ease
Senate called to order by the President.

Subsequently, Senator DUTREMBLE of York requested and received Leave of the Senate to withdraw his motion to TABLE for 1 Legislative Day.

On further motion by same Senator, Tabled until Later in Today's Session, pending ACCEPTANCE OF THE CONFERENCE OF COMMITTEE REPORT.

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

Bill "An Act to Preserve Existing Rental Units which have been Constructed with Federal Assistance and Tax Benefits for Moderate-Income and Low-Income People"

H.P. 1693 L.D. 2322
(H "A" H-693 to C "A"
H-679)

Bill "An Act to Promote the Creation and Expansion of Independent Living Opportunities for Maine's Citizens with Disabilities"

H.P. 1694 L.D. 2327
(C "A" H-691)

Bill "An Act to Increase the Frequency of Restaurant Inspections"

H.P. 1775 L.D. 2428
(C "A" H-689)

Bill "An Act to Address Comprehensively Bail Relative to a Defendant in a Criminal Proceeding"

H.P. 1792 L.D. 2456
(H "A" H-688 to C "A"
H-674)

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1988 (Emergency)

H.P. 1931 L.D. 2631
(H "A" H-692)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES

AUGUSTA 04333

April 14, 1988

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333

Dear Madam Secretary:

The House voted to Insist and Join in a Committee of Conference on Bill "An Act to Improve Services for Maine's Elderly" (S.P. 943) (L.D. 2490)

The Speaker appointed the following members of the House to the Committee:

Representative CASHMAN of Old Town
Representative RYDELL of Brunswick
Representative SEAVEY of Kennebunkport

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

COMMITTEE REPORTS

House

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Provide for Competitive State Funding of Workers' Compensation"

H.P. 617 L.D. 835

Bill "An Act to Require Insurance Companies who Sell Workers' Compensation to Provide Certain Other Services"

H.P. 825 L.D. 1116

Senate at Ease
Senate called to order by the President.

THE PRESIDENT: In reference to the action of the Senate on April 13, 1988, whereby it INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE on Bill "An Act to Improve Services for Maine's Elderly" (S.P. 943) (L.D. 2490)

The Chair appointed as conferees on the part of the Senate:

Senator BUSTIN of Kennebec
Senator BRANNIGAN of Cumberland
Senator BLACK of Cumberland.

Ought to Pass As Amended

The Committee on ECONOMIC DEVELOPMENT on Bill "An Act to Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People"

H.P. 1703 L.D. 2340

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-705).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-705) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Relating to Conflict of Interest for Certain Governmental Officials and Employees"

H.P. 1766 L.D. 2419

Tabled - April 14, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-687), in concurrence

(In Senate, April 14, 1988, Committee Amendment "A" (H-687) READ.)

(In House, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-687).)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-687), in concurrence.

On motion by Senator SEWALL of Lincoln, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Relating to Conflict of Interest for Certain Governmental Officials and Employees"

H.P. 1766 L.D. 2419

Tabled - April 14, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-687), in concurrence

(In Senate, April 14, 1988, Committee Amendment "A" (H-687) READ.)

(In House, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-687).)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-460) to Committee Amendment "A" (H-687) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. This is the amendment that would extend the revolving door to Legislators and also provide for a fee to implement this if it was necessary.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. I would pose a question through the Chair to the Senator from Penobscot, Senator Baldacci, for I haven't had an opportunity to review this proposed amendment. Does this provide for an exemption for Legislators who would move from the Legislature to State Service?

THE PRESIDENT: The Senator from Cumberland, Senator Clark, as posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. In answer to the question of the good Senator from Cumberland, Senator Clark, it would deal with Legislators that would be lobbying for a different interest, not working in the state itself as a state employee, but deal with strictly lobbying.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to ask the sponsor of this amendment why this amendment is being put on. It seems to me that the person that has expertise in state government is the Legislator who is no longer in it. The person who could really do a good job up here, rather than just having legal minds up here doing all the lobbying.

THE PRESIDENT: The Senator from Cumberland, Senator Dillenback, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. The fact of the matter is that state Legislators, as we discussed yesterday with child care as state employees, shouldn't be treated any differently. We have a law we are passing on conflict of interest that deals with former state employees and Executive Department employees and the requirements in terms of the job they were doing for state government and we are having a law that now we are extending to municipal and county employees. It seems that it only makes sense that it also include Legislators in the revolving door conflict of interest. So, I hope we would pass this amendment.

Senator TWITCHELL of Oxford moved the INDEFINITE POSTPONEMENT of Senate Amendment "A" (S-460) to Committee Amendment "A" (H-687).

On motion by Senator BALDACCI of Penobscot, 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 the motion of Senator TWITCHELL of Oxford to INDEFINITELY POSTPONE Senate Amendment "A" (S-460) to Committee Amendment "A" (H-687).

A vote of Yes will be in favor of the motion of INDEFINITE POSTPONEMENT.

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 BLACK, BRANNIGAN, CAHILL, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, GILL, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TWITCHELL, USHER, WEBSTER

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BRAWN, BUSTIN, CLARK, COLLINS, ESTES, GAUVREAU, GOULD, KANY, LUDWIG, MATTHEWS, TUTTLE, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators KERRY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator TWITCHELL of Oxford, to INDEFINITELY POSTPONE Senate Amendment "A" (S-460) to Committee Amendment "A" (H-687), PREVAILED.

Committee Amendment "A" (H-687) ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

On motion by Senator CLARK of Cumberland, 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

Senate

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Resolve, to Create a Day Care Demonstration Project as an Employment Incentive to Help Address the Nursing Shortage (Emergency)

S.P. 791 L.D. 2079

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-461).

Which Report was READ.

Senator GAUVREAU of Androscoggin moved to TABLE 1 Legislative Day, pending ACCEPTANCE OF THE REPORT.

Senate at Ease

Senate called to order by the President.

Senator GAUVREAU of Androscoggin requested and received Leave of the Senate to withdraw his motion to TABLE 1 Legislative Day.

On further motion by same Senator, Tabled until Later in Today's Session, pending ACCEPTANCE OF THE REPORT.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Create the Maine Educational Loan Authority" (Emergency)

S.P. 988 L.D. 2616

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-462).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-462) READ and ADOPTED.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

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

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

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

Bill "An Act to Authorize Knox County to Raise up to \$4,900,000 to Construct a New Jail and Law Enforcement Facility"

H.P. 1932 L.D. 2633

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People"

H.P. 1703 L.D. 2340

(C "A" H-705)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON JUDICIARY

ONE HUNDRED AND THIRTEENTH LEGISLATURE

April 14, 1988

The Honorable Charles P. Pray
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Bruce R. Livingston of Hallowell, for appointment to the Workers' Compensation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 10
NAYS: 0
ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Bruce R. Livingston of Hallowell, for appointment to the Workers' Compensation Commission be confirmed.

Sincerely,
S/Joseph C. Brannigan
Senate Chair
S/Patrick E. Paradis
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Bruce R. Livingston of Hallowell, for appointment to the Workers' Compensation Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on JUDICIARY be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 113th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY
ABSENT: Senators BALDACCI, DUTREMBLE, EMERSON, KERRY

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote

of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Bruce R. Livingston, for appointment to the Workers' Compensation Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

Bill "An Act Relating to Conflict of Interest for Certain Governmental Officials and Employees"

H.P. 1766 L.D. 2419

(C "A" H-687)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

An Act to Amend the Requirement that Counties Contribute to the Support of the Superior Courts and the Supreme Judicial Court

H.P. 1677 L.D. 2306

(C "A" H-647)

Tabled - April 14, 1988, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-647)

(In Senate, April 14, 1988, RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (H-647).)

(In House, April 13, 1988, PASSED TO BE ENACTED.)

(In Senate, April 12, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647), in concurrence.)

On motion by Senator TUTTLE of York, Senate Amendment "A" (S-459) to Committee Amendment "A" (H-647) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator TUTTLE: Thank you Mr. President. Mr. President, men and women of the Senate. This is a technical amendment that was given to me by the office of Fiscal Management. The original Bill would result in a decrease in General Fund revenue from three hundred and forty-three thousand, eight hundred in fiscal year 1989 and six hundred and eighty-seven in each year thereafter. No additional appropriation for equipment cost is required in the Bill and since the language simply clarifies current practice, the amendment eliminates an unnecessary appropriation section and adds the needed fiscal note.

On further motion by same Senator, Senate Amendment "A" (S-459) to Committee Amendment "A" (H-647) ADOPTED.

Committee Amendment "A" (H-647) as Amended by Senate Amendment "A" (S-459) 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.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act

H.P. 1687 L.D. 2316

(S "A" S-437 to C "A" H-641)

Tabled - April 14, 1988, by Senator USHER of Cumberland.

Pending - ENACTMENT

(In House, April 14, 1988, PASSED TO BE ENACTED.)

(In Senate, April 12, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-641) AS AMENDED BY SENATE AMENDMENT "A" (S-437), thereto.)

Senator USHER of Cumberland moved to TABLE for 1 Legislative Day, pending ENACTMENT.

Senate at Ease

Senate called to order by the President.

On motion by Senator USHER of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Authorize the Annexation of Cove Point Township by the Town of Greenville"

H.P. 1929 L.D. 2629

Tabled - April 14, 1988, by Senator CLARK of Cumberland.

Pending - Motion of Senator TUTTLE of York to REFER to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

(Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.)

(In House, April 14, 1988, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-697), without reference to a Committee.)

Senator TUTTLE of York requested and received Leave of the Senate to withdraw his motion that the Bill be referred to the Committee on STATE AND LOCAL GOVERNMENT.

Under suspension of the Rules, the Bill READ ONCE, without reference to a Committee.

House Amendment "A" (H-697) READ and ADOPTED, in concurrence.

Under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, without reference to a Committee, and ORDERED PRINTED, in concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORT - from the Committee of Conference on Bill "An Act to Establish the Strategic Training for Accelerated Reemployment Program" (Emergency)

S.P. 946 L.D. 2494

Tabled - April 14, 1988, by Senator DUTREMBLE of York.

Pending - ACCEPTANCE OF THE COMMITTEE OF CONFERENCE REPORT

(In Senate, April 14, 1988, Report READ.)

(In House, April 14, 1988, PASSED TO BE ENGROSSED AS AMENDED BY CONFERENCE COMMITTEE AMENDMENT "A" (H-696) in NON-CONCURRENCE.)

Which Report was ACCEPTED, in concurrence.

The Senate RECEDED and CONCURRED.

Off Record Remarks

The Chair laid before the Senate the Tabled and Later Today Assigned matter:
 Bill "An Act to Amend the Regulation of Lobster Parts"

H.P. 1584 L.D. 2162
 (S "A" S-450 and H "A"
 H-649 to C "A" H-595)

Tabled - April 14, 1988, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595), in concurrence.)

(In House, April 11, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-649) thereto, in NON-CONCURRENCE.)

(In Senate, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-649) AND SENATE AMENDMENT "A" (S-450) thereto, in NON-CONCURRENCE.)

(In House, April 13, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY SENATE AMENDMENT "A" (S-450) thereto, in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Concerning the Statutory Organization of Boards and Commissions"

H.P. 1710 L.D. 2347
 (C "A" H-677)

Tabled - April 14, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, April 14, 1988, READ A SECOND TIME.)

(In House, April 12, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677).)

On motion by Senator CLARK of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-677).

On further motion by same Senator, under UNANIMOUS CONSENT, Senate Amendment "A" (S-458) to Committee Amendment "A" (H-677) READ and ADOPTED.

Committee Amendment "A" (H-677) as Amended by Senate Amendment "A" (S-458) 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.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

SENATE REPORT - from the Committee on HUMAN RESOURCES on Resolve, to Create a Day Care Demonstration Project as an Employment Incentive to Help Address the Nursing Shortage (Emergency)

S.P. 791 L.D. 2079

Report - Ought to Pass as Amended by Committee Amendment "A" (S-461)

Tabled - April 14, 1988, by Senator GAUVREAU of Androscoggin.

Pending - ACCEPTANCE OF THE REPORT
 (In Senate, April 14, 1988, Report READ.)

Which Report was ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-461) READ.

On motion by Senator GAUVREAU of Androscoggin, Tabled 1 Legislative Day, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-461).

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Promote Economic Development in the State by Enhancing Employment Opportunities for Maine People"

H.P. 1703 L.D. 2340
 (C "A" H-705)

Tabled - April 14, 1988, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, April 14, 1988, READ A SECOND TIME.)

(In House, April 14, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705).)

On motion by Senator ANDREWS of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

On motion by Senator ERWIN of Oxford, the Senate removed from the SPECIAL FISHERIES AND WILDLIFE TABLE the following:

Emergency Resolve

Resolve, to Change the Reporting Date of the Commission on Sport Fisheries

H.P. 1663 L.D. 2275
 (H "A" H-486)

Tabled - March 22, 1988, by Senator ERWIN of Oxford.

Pending - FINAL PASSAGE

(In House, March 22, 1988, FINALLY PASSED.)

(In Senate, March 14, 1988, PASSED TO BE ENGROSSED as Amended BY HOUSE AMENDMENT "A" (H-486), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator ERWIN of Oxford, the Senate removed from the SPECIAL FISHERIES AND WILDLIFE TABLE the following:

Emergency Resolve

Resolve, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides

H.P. 1673 L.D. 2292
 (S "A" S-421 to C "A"
 H-610)

Tabled - April 12, 1988, by Senator ERWIN of Oxford.

Pending - FINAL PASSAGE

(In House, April 11, 1988, FINALLY PASSED.)

(In Senate, April 7, 1988, PASSED TO BE ENGROSSED as Amended BY SENATE AMENDMENT "A" (S-421 to COMMITTEE AMENDMENT "A" H-610), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the

Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was FINAL PASSAGE and having been signed by the President.
(See Action Later Today)

On motion by Senator ERWIN of Oxford, the Senate removed from the SPECIAL FISHERIES AND WILDLIFE TABLE the following:

Emergency
An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1988 and June 30, 1989
H.P. 1796 L.D. 2460

Tabled - March 30, 1988, by Senator ERWIN of Oxford.

Pending - ENACTMENT
(In House, March 30, 1988, PASSED TO BE ENACTED.)
(In Senate, March 28, 1988, PASSED TO BE ENGROSSED, in concurrence.)

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

On motion by Senator ERWIN of Oxford, the Senate removed from the SPECIAL FISHERIES AND WILDLIFE TABLE the following:

An Act to Amend the Youth Fisheries and Wildlife Conservation Education Program
H.P. 1896 L.D. 2591

Tabled - April 4, 1988, by Senator ERWIN of Oxford.

Pending - ENACTMENT
(In House, April 4, 1988, PASSED TO BE ENACTED.)
(In Senate, March 30, 1988, PASSED TO BE ENGROSSED, in concurrence.)

Which 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

On motion by Senator BERUBE 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:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act to Clarify the Laws Regulating the Insurance Industry to Ensure its Regulation by State Antitrust Laws"

S.P. 920 L.D. 2411

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-463).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-463) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

HELD BILL

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

Senator ERWIN: Thank you Mr. President. Is the Senate in possession of L.D. 2292?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

On motion by Senator ERWIN of Oxford, the Senate RECONSIDERED whereby it FINALLY PASSED:

Emergency Resolve

Resolve, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides

H.P. 1673 L.D. 2292

(In Senate, April 14, 1988, FINALLY PASSED, in concurrence.)

(In House, April 11, 1988, FINALLY PASSED.)

On further motion by same Senator, Tabled 1 Legislative Day, pending FINAL PASSAGE.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Increase the State's Share of Education Costs"

H.P. 272 L.D. 355

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-701).

Signed:

Senators:

ESTES of York

KANY of Kennebec

Representatives:

KILKELLY of Wiscasset

O'GARA of Westbrook

HANDY of Lewiston

MATTHEWS of Caribou

PARADIS of Frenchville

OLIVER of Portland

BOST of Orono

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator:

RANDALL of Washington

Representatives:

LAWRENCE of Parsonsfield

SMALL of Bath

NORTON of Winthrop

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-701).

Which Reports were READ.

On motion by Senator ESTES of York, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-701) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Promote the Enhancement of Education in Maine" (Emergency)

H.P. 1610 L.D. 2201

Reported that the same Ought Not to Pass.

Signed:

Senators:

ESTES of York

KANY of Kennebec

Representatives:

BOST of Orono

KILKELLY of Wiscasset

O'GARA of Westbrook

HANDY of Lewiston

MATTHEWS of Caribou

PARADIS of Frenchville

OLIVER of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-706).

Signed:

Senator:

RANDALL of Washington

Representatives:

LAWRENCE of Parsonsfield

SMALL of Bath

NORTON of Winthrop

Comes from the House the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-706).

Which Reports were READ.

Senator ESTES of York moved to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Randall.

Senator RANDALL: Thank you Mr. President. Mr. President, men and women of the Senate. I would hope that you would take some time this evening and look at the Report of the Minority of the Education Committee in regard to this education funding proposal. I would hope that you would be able to support the Minority Report.

THE PRESIDENT: The pending question before the Senate is the motion of Senator ESTES of York, to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator ESTES of York, to ACCEPT the Majority OUGHT NOT TO PASS Report, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

16 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator ESTES of York, to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE, PREVAILED.

Sent down 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act to Strengthen the Drunk Driving Laws"

H.P. 1746 L.D. 2395

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-669).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-669) AS AMENDED BY HOUSE AMENDMENT "E" (H-713) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-669) READ.

House Amendment "E" (H-713) to Committee Amendment "A" (H-669) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-669) as Amended by House Amendment "E" (H-713) thereto, ADOPTED, in concurrence.

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

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

Senator PERKINS of Hancock was granted unanimous consent to address the Senate on the Record.

Senator PERKINS: Thank you Mr. President. Mr. President, men and women of the Senate. On behalf of myself and my caucus, I wish to thank you Mr. President and members of your caucus for the courteous extended to the good Senator from Lincoln today on her managing the affairs of the Senate as President Pro Tem. I think it is things like this that in times when we are all tired and a little short of nature and of temperament that help us and meld us together as a homogeneous unit. These things on my behalf and on my behalf of my caucus are much appreciated.

THE PRESIDENT: The Chair thanks the Senator from Hancock, Senator Perkins, and the Chair would also like to congratulate the Senator from Lincoln, Senator Sewall who not only did a fine job, but also did it with about a ten minute advanced notice that she would be up here. She did a fine job and I would again like to congratulate her.

On motion by Senator SEWALL of Lincoln, ADJOURNED until Friday, April 15, 1988, at 9:00 in the morning.