

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

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

The Chair laid before the House the sixth tabled and today assigned matter:

An Act to Clarify Procedural Aspects of the Forcible Entry and Detainer Law (H.P. 446) (L.D. 611) (C. "A" H-265)

TABLED - June 6, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, June 8, 1989.

The Chair laid before the House the seventh tabled and today assigned matter:

Bill "An Act to Improve Compliance with Truck Weight Limits" (H.P. 36) (L.D. 36) (C. "A" H-277)

- In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-277) as amended by Senate Amendment "A" (S-169) thereto in non-concurrence on May 26, 1989.

TABLED - June 6, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Motion to Recede and Concur.

On motion of Representative Carter of Winslow, the House voted to recede.

Senate Amendment "A" (S-169) to Committee Amendment "A" (H-277) was read.

On motion of Representative Carter of Winslow, Senate Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "A" (H-420) to Committee Amendment "A" (H-277) and moved its adoption.

House Amendment "A" (H-420) to Committee Amendment "A" (H-277) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Increase the Priority of Wage Claims Against Insolvent Employers" (H.P. 998) (L.D. 1387) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

Subsequently, the Committee Report was accepted and the Bill referred to the Committee on Judiciary and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Handy of Lewiston, Adjourned until Thursday, June 8, 1989, at eight-thirty in the morning.

In Senate Chamber
Wednesday
June 7, 1989

Senate called to Order by the President.

Prayer by the Honorable Edgar E. Erwin of Oxford.

SENATOR ERWIN: Let us pray. Our Father, be present at our Legislative meetings. May Thy spirit be among all that is said and done here today and during this Legislative Session. Let Thy blessings rest among the Houses, the Committee Chairmen, the Members of this Body, and all the loyal and dedicated staff, and in their work they may be guided by Thy spirit and a desire to plan for the good of all. May the pursuits of common aims bind the Membership together in genuine and warm companionship. Let harmony and good will prevail. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Relating to the Director of the Bureau of Health"

S.P. 379 L.D. 1015
(S "A" S-155 to C
"A" S-146)

In Senate, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) thereto.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "A" (S-155) AND HOUSE AMENDMENT "A" (H-407) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to the Maine Commission on Mental Health" (Emergency)

S.P. 408 L.D. 1074
(C "A" S-166)

In Senate, May 31, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-166) AS AMENDED BY HOUSE AMENDMENT "A" (H-387), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication: S.P. 634
114TH MAINE LEGISLATURE
June 5, 1989

Senator Zachary E. Matthews
Representative Charles R. Priest
Chairpersons
Joint Standing Committee on Legal Affairs
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Michael V. Rizzolo of Lewiston for appointment to the Maine State Lottery Commission.

Pursuant to Title 8, M.R.S.A. Section 352, this nomination will require review by the Joint Standing

Committee on Legal Affairs and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on LEGAL AFFAIRS.
Sent down for concurrence.

The Following Communication: S.P. 637
114TH MAINE LEGISLATURE
June 6, 1989

Senator Stephen M. Bost
Representative Herbert E. Clark
Chairpersons
Joint Standing Committee on Utilities
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of William Lund of Falmouth for appointment as a Commissioner for the Public Utilities Commission.

Pursuant to Title 35-A, M.R.S.A. Section 105 (1988), this nomination is currently pending before the Joint Standing Committee on Utilities.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and referred to the Committee on UTILITIES.
Sent down for concurrence.

The Following Communication:
COMMITTEE ON EDUCATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 5, 1989

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 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Malcolm C. Cianchette of Hartland, for reappointment to the Maine Maritime Academy 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 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 Malcolm C. Cianchette of Hartland, for reappointment to the Maine Maritime Academy Board of Trustees be confirmed.

Sincerely,
S/Stephen C. Estes S/Nathaniel Crowley, Sr.
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Malcolm C. Cianchette of Hartland, for reappointment to the Maine Maritime Academy 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 114th 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, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator WEYMOUTH

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 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 Malcolm C. Cianchette, for reappointment to the Maine Maritime Academy Board of Trustees, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
COMMITTEE ON EDUCATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 5, 1989

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 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Robert L. Hinckley of Manset, for appointment to the Maine Maritime Academy 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 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 Robert L. Hinckley of Manset, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Sincerely,
S/Stephen C. Estes S/Nathaniel Crowley, Sr.

Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.
 THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Robert L. Hinckley of Manset, for appointment to the Maine Maritime Academy 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 114th 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, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY
 ABSENT: Senator WEYMOUTH

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 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 Robert L. Hinckley, for appointment to the Maine Maritime Academy Board of Trustees, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON EDUCATION
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 June 5, 1989

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 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Warren C. Cook of Freeman Township, for appointment to the Maine Maritime Academy Board 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 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 Warren C. Cook of Freeman Township, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Sincerely,
 S/Stephen C. Estes Senate Chair
 S/Nathaniel Crowley, Sr. House Chair
 Which was READ and ORDERED PLACED ON FILE.
 THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Warren C. Cook of Freeman Township, for appointment to the Maine Maritime Academy 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 114th 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, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY
 ABSENT: Senator WEYMOUTH

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 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 Warren C. Cook, for appointment to the Maine Maritime Academy Board of Trustees, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Amend the Banking Code"
 S.P. 635 L.D. 1726
 Presented by Senator BALDACCI of Penobscot
 Cosponsored by Senator BRANNIGAN of Cumberland and Representative ALLEN of Washington
 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
 Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

Senate at Ease
 Senate called to order by the President.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, and ORDERED PRINTED.
 Sent down for concurrence.

ORDERS

Joint Resolution
 On motion by Senator GOULD of Waldo (Cosponsored by: Representative CROWLEY of Stockton Springs) the following Joint Resolution:

S.P. 636

JOINT RESOLUTION COMMEMORATING THE 200th
ANNIVERSARY OF THE TOWN OF FRANKFORT

WHEREAS, one of the wellsprings of Maine's tradition is its history of seafaring and shipbuilding, whereby Maine sailors and Maine craftsmanship acquired worldwide reputations; and

WHEREAS, the Town of Frankfort, located along the banks of the North Branch of the Marsh River in Waldo County, and proud abutter of the majestic Penobscot River, is one of the sources of this tradition and skill, as a historic locus of Maine's shipbuilding; and

WHEREAS, this tree-shaded community was established in the mid-1700s by Joshua Treat, Jr. who persevered in maintaining the young community through British attacks in the Revolutionary War, and as the town thrived and prospered thereafter; and

WHEREAS, as the Town of Frankfort was incorporated shortly after the Revolutionary War by the General Court of the Commonwealth of Massachusetts on June 25, 1789, and was the 70th town incorporated in the territory which would become the State of Maine; and

WHEREAS, beginning in 1794 and continuing through the late 1800's many proud ocean-going schooners, barks, and ships of war were crafted in Frankfort and this tradition of fine shipbuilding continues to the present; and

WHEREAS, the town is also known for the fine granite quarried from the top of Mt. Waldo between 1836 and 1965; and

WHEREAS, this granite was used to construct such noble edifices as this State House, Fort Knox, the old Bangor Post Office and the Augusta Federal Building; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the First Regular Session, take this occasion to recognize the Bicentennial Anniversary of the Town of Frankfort, and to commend the inhabitants and officials of this town for the success which they have achieved for 2 centuries, and to extend our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Which was READ and ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS

House
Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

The Committee on BUSINESS LEGISLATION on Resolve, to Grant a Temporary Psychologist's License to Bruce W. Webb (Emergency)

H.P. 1189 L.D. 1656

The Committee on TAXATION on Bill "An Act to Amend the Sales Tax Exemption for Out-of-State Residents Purchasing Trailers in Maine"

H.P. 63 L.D. 87

The Committee on TAXATION on Resolve, to Establish a Commission to Study Problems with the Municipal Assessment and Collection of Property Taxes (Emergency)

H.P. 67 L.D. 91

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption for Senior Citizen Organizations"

H.P. 93 L.D. 128

The Committee on TAXATION on Bill "An Act to Extend the Sales Tax Exemption to Certain Vietnam Veterans' Registry-keeping Organizations"

H.P. 158 L.D. 223

The Committee on TAXATION on Bill "An Act to Expand the Circuit Breaker Program"

H.P. 172 L.D. 237

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption for Centers for Innovation"

H.P. 208 L.D. 288

The Committee on TAXATION on Bill "An Act to Create a Sales Tax Exemption for Habitat For Humanity Organizations"

H.P. 240 L.D. 352

The Committee on TAXATION on Bill "An Act to Exempt All Goods Sold by Scouting Organizations from Sales Tax"

H.P. 249 L.D. 361

The Committee on TAXATION on Bill "An Act to Provide Sales Tax Exemptions to Centers which Provide Information and Referral Services to Deaf and Hearing Impaired Persons"

H.P. 276 L.D. 388

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption For State-chartered Credit Unions"

H.P. 295 L.D. 407

The Committee on TAXATION on Bill "An Act to Clarify that Aquaculture Qualifies for the Commercial Fish Sales Tax Refund"

H.P. 314 L.D. 428

The Committee on TAXATION on Bill "An Act to Provide a Fabrication Tax Exemption for Small Sawmills"

H.P. 328 L.D. 447

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption to Youth Scouting Organizations"

H.P. 380 L.D. 511

The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption to Certain Providers of Services for the Elderly"

H.P. 393 L.D. 524

The Committee on TAXATION on Bill "An Act Relating to Taxation of Equipment"

H.P. 436 L.D. 601

The Committee on TAXATION on Bill "An Act to Amend the Income Tax Laws"

H.P. 466 L.D. 631

The Committee on TAXATION on Bill "An Act to Expand the Sales Tax Refund for Agricultural and Other Equipment"

H.P. 517 L.D. 702

The Committee on TAXATION on Bill "An Act to Establish a Property Tax Deferral Program for Maine's Older Citizens"

H.P. 674 L.D. 923

The Committee on TAXATION on Bill "An Act to Provide an Exemption from Sales Tax for Charitable Funds"

H.P. 729 L.D. 1006

The Committee on TAXATION on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Tax Relief to Owners of Registered Historic Properties

H.P. 730 L.D. 1007

The Committee on TAXATION on Bill "An Act Concerning Residential Real Property Tax Relief" (Emergency)

H.P. 731 L.D. 1008
The Committee on TAXATION on Bill "An Act Regarding Property Tax Relief"

H.P. 768 L.D. 1072
The Committee on TAXATION on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Municipalities to Freeze Property Taxes for Residents upon Reaching the Age of 65

H.P. 778 L.D. 1090
The Committee on TAXATION on Bill "An Act to Create a Local Option Sales Tax"

H.P. 789 L.D. 1101
The Committee on TAXATION on Bill "An Act to Provide a Sales Tax Exemption for the Purchase of Certain Medical Equipment and Supplies"

H.P. 796 L.D. 1108
The Committee on TAXATION on Bill "An Act to Provide Property Tax Relief Through Per Capita Grants to Towns" (Emergency)

H.P. 811 L.D. 1123
The Committee on TAXATION on Bill "An Act to Amend the Household Tax and Rent Refund Act"

H.P. 873 L.D. 1216
The Committee on TAXATION on Bill "An Act to Create a Property Tax Option for Elderly Homeowners"

H.P. 880 L.D. 1223
The Committee on TAXATION on Bill "An Act to Provide Property Tax Relief"

H.P. 909 L.D. 1272
The Committee on TAXATION on Bill "An Act to Broaden the Level of Property Tax Assistance Available to Persons with Excessive Tax Burdens"

H.P. 984 L.D. 1362
The Committee on TAXATION on Bill "An Act Concerning the Payment of the Sales and Use Tax"

H.P. 994 L.D. 1383
The Committee on TAXATION on Bill "An Act to Provide a Homestead Property Exemption"

H.P. 1013 L.D. 1414
The Committee on TAXATION on Bill "An Act to Establish Homestead Credits"

H.P. 1022 L.D. 1423
The Committee on TAXATION on Bill "An Act to Provide Property Tax Relief to Elderly Persons"

H.P. 1026 L.D. 1432
The Committee on TAXATION on Bill "An Act to Provide Statewide Property Tax Relief"

H.P. 1044 L.D. 1455
The Committee on TAXATION on Bill "An Act to Exempt Commercial Fishermen from the Tax on Fuel Necessary to that Occupation"

H.P. 1152 L.D. 1606

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:

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish a Residential Program for Adolescent Substance Abusers at Saint Mary's Hospital in Lewiston, Maine"

H.P. 1150 L.D. 1604
The Committee on LABOR on Bill "An Act Concerning Protection from Unfair Competition"

H.P. 1173 L.D. 1627
The Committee on TAXATION on Bill "An Act to Stabilize Property Taxes of People 65 Years of Age or Older"

H.P. 853 L.D. 1185
The Committee on TAXATION on Bill "An Act to Establish a Property Tax Homestead Exemption"

H.P. 932 L.D. 1298

The Committee on TAXATION on Bill "An Act to Correct an Inequity in the Sales Tax Law of the State"

H.P. 1056 L.D. 1478

Ought to Pass
The Committee on JUDICIARY on Bill "An Act to Amend the Maine Tort Claims Act"

H.P. 1083 L.D. 1505
Reported that the same Ought to Pass. Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED. Which Report was READ and ACCEPTED, in concurrence. The Bill READ ONCE.

Senate at Ease
Senate called to order by the President.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act Concerning School Social Workers"

H.P. 1135 L.D. 1578
Reported that the same Ought to Pass. Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED. Which Report was READ and ACCEPTED, in concurrence. The Bill READ ONCE. The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended
The Committee on TAXATION on Bill "An Act to Impose a Tax on Capital Gains from Speculative Land Sales"

H.P. 184 L.D. 249
Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-382). Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382). Which Report was READ and ACCEPTED, in concurrence. The Bill READ ONCE.

Senator WEBSTER of Franklin, moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers. THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. The Committee on Taxation had before us some significant pieces of legislation dealing with the growth management crisis that has gripped the State over the past few years and its impact on the natural resources and the land that is still available to our people. Among the proposal to try to grapple with the problem of a land speculation gone wild, was the imposition of a land speculation tax, as established and is modeled after a program successfully implemented in the State of Vermont.

There was another proposal, which should not be unfamiliar to those of you who served in the former Legislature, that dealt with the issue of open space and whether or not municipalities should be given the option of establishing municipal land banks, so that they might preserve, locally, some of their open space. The Committee, while some of us were sympathetic and others were not with both of these

concepts, felt that it was important for us to stop and take a look at the current growth management situation in light of changing real estate market and in light of the comprehensive piece of legislation passed last year on growth management. We thought it would be prudent for us, as a Committee, to join with the Housing and Economic Development Committee, as well as the Energy and Natural Resources Committee, to take a look at the tax implications of the law that was passed last year, the progress that the law has made, with respect to open space and with respect to growth management, and to study that over the course of the next few months and come back to this Legislature with a report as to where we stand one way or another. Whether we need additional legislation dealing with speculation tax, open space of municipal land banks. In short, we were not clear at this time if any of those proposals merit legislation, but what we did know is that the situation is so fluid and so important in this state, that we needed the time to sit down and take a look at what we have done, what the impact is, and on the basis of that information come up with a report to this Legislature next year.

All that this Bill does, as Amended, is establish a Legislative study Commission on growth management and tax policy to do just that. I would ask you to please allow those of us who were involved with this issue the opportunity to take a close and hard look and come back to you with a piece of legislation based upon that research. Thank you.

Senator ANDREWS of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A Division has been requested.

Will all those in favor of the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

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

7 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

Committee Amendment "A" (H-382) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1989-90" (Emergency)

H.P. 1112 L.D. 1545

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-381).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-381).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-381) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act Making Unified Appropriations and Allocations for the

Expenditures of State Government and Highway Funds Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 114 L.D. 151

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-384).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-384).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-384) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Resolve, to Establish a Commission to Study Town Supervision of Private Roads (Emergency)

H.P. 950 L.D. 1318

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-386).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-386) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Fund the Maine State Retirement System for Certain Employees Previously Covered by the County Retirement System"

H.P. 1062 L.D. 1484

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-372).

Signed:

Senators:

TITCOMB of Cumberland
CLARK of Cumberland
CAHILL of Sagadahoc

Representatives:

HICKEY of Augusta
MCSWEENEY of Old Orchard Beach
RICHARD of Madison
JALBERT of Lisbon
DUTREMBLE of Biddeford
DELLERT of Gardiner
STEVENSON of Unity
AULT of Wayne

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

Signed:

Representatives:

BREWER of Boothbay Harbor
MERRILL of Dover-Foxcroft

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-372).

Which Reports were READ.

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

The Bill READ ONCE.

Committee Amendment "A" (H-372) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act Concerning Unemployment Benefits for Lockouts"

H.P. 456 L.D. 621

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-353).

Signed:

Senators:

ESTY of Cumberland
MATTHEWS of Kennebec

Representatives:

TAMMARO of Baileyville
MCKEEN of Windham
RAND of Portland
MCHENRY of Madawaska
PINEAU of Jay
LUTHER of Mexico
RUHLIN of Brewer

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

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

MCCORMICK of Rockport
REED of Falmouth
BUTLAND 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-353).

Which Reports were READ.

Senator ESTY of Cumberland, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. For those of you who have been here much longer than I, this is not an unfamiliar issue to you. In fact, even in my short tenure, it is not a unfamiliar issue to me either. Currently, the unemployment fund which is contributed to by every employer in the State of Maine paying a tax for every employee. It does include every employee, because the tax is levied on the first seven thousand dollars of ones wages. The purpose of the fund, which is an insurance fund, is to guarantee that in those times of economic turn down or recession, that those people who are unfortunate enough to be either laid off or displaced that this will provide a benefit for them for some assistance. Remember it is an insurance fund.

Currently, the unemployment fund and unemployment in total, their position on any labor disputes is a neutral position. They are not favoring either side. Should this Bill Pass, it changes that position completely, because it then allows people who are locked out, due to a labor dispute, to collect unemployment. You will hear arguments, I am sure, from those who are on the other side of this issue that when you are locked out and you are unable to work, although you are willing to work, that you qualify for benefits. In its very simplest form, that sounds like a very accurate statement. However, let's take it just a little step further. What has precipitated the lockout? I might go through the

process leading to that where management and labor are in a bargaining process. They get through the various steps and they reach an impasse. At the point of impasse, emotions run very high, we have seen some of this in the State of Maine within the last few years, in fact, months, and it is not very pleasant. I am not backing either side, it is just an unfortunate situation. However, a lockout can be created, because during this bargaining time, and the difference of opinion exists, and emotions and tensions run high, it is awfully easy for an over zealous person to do a great deal of vandalism and malicious mischief to the property of the employer. Thus, necessitating that they stop all operations and clean out the place of business, because there is no way that they can be compensated for the acts of damage that was done to them. Admittedly, that is not the average employee. The average employee wants to settle the thing, wants to continue to work, that money that he receives in his or her weekly check is essential to them to continue to live the standard of living that they have been used to. It only takes one or two people to be on a catwalk, as an example, or to be outside of a chain linked fence and to take a piece of chain and flip it on top of a transformer to do a half of a million dollars worth of damage.

One thing that you might think about is if, in fact, that happens, does the employer have a right to say I can't take anymore of this and I can't stand to have this kind of damage done, therefore, until this thing is resolved, I must close my doors. I think that the level playing field in the bargaining process dictates that sides not be taken. That is the current status today. No one is favored. Labor has the opportunity to slow down work production in their effort to bring it to a head. They have the ability to go on strike to bring it to a head. The employer does not have many options, particularly if it reaches the point of vandalism and extreme damage being caused. You can just stop to think of any type of operation, this isn't any one industry in particular, it could be a very small machine shop to the largest employer in the State of Maine.

The fund is supported by all the employers in the State to guarantee that a fund exists through economic down turns. I ask you to think carefully on this before you support the pending motion, because it certainly tilts the table. This does not create a level playing field. Thank you.

Senator WHITMORE of Androscoggin requested a Division.

Off Record Remarks

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. I would just like to explain, before I discuss the pending Bill, the Labor Committee's attitude in general. As I discussed in the last debate that we had, there are varying types of Bills which we encounter. There are the unanimous kinds of Bills which we push out very quickly Ought to Pass or Ought Not to Pass. Then there are the compromise Bills which we have worked very hard on this Session. We worked diligently together and we unanimously agreed upon them. Then there are the Bills that we have worked very hard on, come very close to agreement on, not quite made it, but came very close in the spirit of compromise, and had Divided Reports. Then there are the basic kinds of Bills, that have a difference in philosophy. A

basic fundamental difference in philosophy and attitude. We have not bitterly debated these in the Labor Committee, we have not torn our hearts out and attacked each other, we have recognized that there is a difference in philosophy and attitude. This is one of those Bills.

The basic requirement to qualify for unemployment compensation is people who are willing to work, are able to work, and are available to work. It seems that you should get the benefits, if you are unemployed through no fault of your own, if you can meet those criteria. The only reasons that workers or employees cannot work in the situation we are describing is because the employers won't let them.

I was told a story this morning about three different employers regarding basic fairness. The first employer and employee have a contract that is up. They negotiate in good faith, they listen to each others perspective, and they reach agreement, which is how the system should work. The second situation, deals with a difference of opinion that exists. The employees choose to go out on strike, because of different fundamental beliefs. They don't receive unemployment compensation as a direct result, they receive, instead, strike benefits from their union, generally being fifty-five dollars a week. The third situation is when the employer makes the choice and says that I will not allow you to come into work, you will be locked out. There is no strike vote taken. The employees do not get strike benefits and they don't get unemployment either. It doesn't seem to be very fair.

Let me point out that this is not a radical, off the wall request. Twenty-one states in the United States have some lockout provision, either identical to this or similar to the concept.

Let me touch on a few of the comments that the good Senator from Androscoggin, has made. The vandalism question is real, each one of us knows that. There are remedies to address that question. Employees do not work in a vacuum in the work site. We have court systems to address that and, in fact, the Labor Committee, through another issue which we will be dealing with separately in the near future dealing with labor injunctions, also addresses that point. That is not an issue here. The good Senator from Androscoggin, Senator Whitmore, also said that the employer does not have many options in contract negotiations. I would hope that all of us have been very aware that the current atmosphere regarding collective bargaining, replacement workers, etc., seems to lean heavily these days on the side of the employer. This is a fair and reasonable Bill. It is a basic philosophy Bill and one that I support. Thank you very much.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to pose a question through the Chair. It is my understanding that when one becomes eligible for unemployment for whatever reason, they have to, under Maine law, actively solicit and try to get a job. I want to know that if we allow people who are locked out, because they can't agree with the management, are they going to be eligible for unemployment? Does this mean that once they start drawing on unemployment that they are going to have to actively seek another job? I would like somebody to respond to that.

THE PRESIDENT: 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 Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. I apologize that I can't be tremendously specific to that question. All that I can say is that the current law states accurately what the good Senator from Franklin had alluded to. So, I would expect that whoever received unemployment compensation benefits would have to follow what the law says.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I rise just to echo the comments of the good Senator from Cumberland, Senator Esty, and urge your support of this Bill. I am a little taken back by the comments of the good Senator from Androscoggin, Senator Whitmore. We always hear the doom and gloom and the extremes and I just want to bring this Bill back to reality a little bit. If you believe that in using starvation as the way to enhance the bargaining position in collective bargaining, then I guess you will vote against this Bill. But, if you believe that is a little bit harsh, then I guess you would support this Bill, giving the people who have been locked out from his or her job an opportunity to keep the food on the table. A situation, which we are all familiar with, in a city which will remain anonymous, involving a lockout reminds me of this discussion and what happened there where the negotiations were proceeding, and we had testimony about this particular lockout situation, and parties were attempting to hammer out a negotiated agreement and the particular owner of the company decided to go on an extended vacation to the Caribbean. That is well within his or her right to do so, but where does that leave the employee of the company that probably can't afford to take the Caribbean cruise, but needs to put food on the table for the little five year old girl going to school and the family. There is a question of some form of justice here and this is, in a small part, an effort to restore a little bit of equity and justice in a very unjust law. Thank you.

Off Record Remarks

On motion by Senator ESTY of Cumberland, Tabled 1 Legislative Day, pending the motion of the same Senator to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

Senator ANDREWS of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. I won't belabor us too long, but I would simply like to offer some comments on the Record on the very disturbing revelations of yesterday, regarding the revenue projections and the significant shortfall of revenue projections that were announced yesterday and the subsequent problems that it is going to be creating for all of us.

I guess I would like to express to you, for the Record, that this announcement, coming as it does in the final weeks of the session and a substantial amount of work completed, is extremely disturbing. Not only because of what was revealed in terms of those changes in projections of state sales tax revenues, but in terms of how this was all handled

and how we received this information and when we received this information.

It seems to me, from all the discussions I have had, all the phone calls and letters, and complaints that I have received not only in my district, but in districts around the state regarding tax policy, that there is a serious growing credibility gap with our governments ability to make responsible, reasonable, and accurate fiscal projections on which to base a budget. We paid ninety-four thousand dollars, just last month, to investigate why it was that we heard so many complaints about over-collections of income taxes. After receiving assurances that it wasn't a serious problem that not many had been over-collected and they could be adjusted, we found out that two hundred and eighteen thousand taxpayers had, in fact, been over-collected. We spent an additional five thousand dollars to get some handle on why the withholding tables were so off last year and perhaps continue to be off this year. And, why so many of our constituents were under withheld, having to pay very large, and in some cases extremely large, payments come April 15.

Now we are learning, with two weeks to go in the session, that the projections for sales tax revenues is off thirty percent. The question I have, and I think the question that we all need to have answered not only on this particular issue, but in terms of the future so that we don't end up in this situation again, is the question, why? I did some research on the announcement yesterday, I looked at the news release and found that the administration has pointed to a well-established trend of reduction and revenues among the northeastern states. The statement also said that the administration has been paying close attention to the state balance sheet in the recent months. If that is the case, why is it in the very last moment that we are hearing of this very significant revenue shortfall, throwing into very serious question the work that we have been doing for the past six months? I want to make it clear to all the members of this Senate, that the State of Maine is not experiencing a decline in sales tax revenue. What is amiss is the relationship between what we are collecting in sales tax revenue and what was projected that we would be collecting in sales tax revenue. The statement laid the blame on the fact that, according to the administration, the wave of economic prosperity has now become a tranquil sea. The problem that I have, ladies and gentlemen of the Senate, is that may be true, but it seems to me that we are floating on this tranquil sea in a ship adrift that is not only without wind, but without water or a compass.

I think it is important for us to know why. Why are we so off on these revenue projections? Why is it, that according to the statement made yesterday, that because of the lateness of this revelation that we may have to come back here and extend this session beyond our statutory deadline? We pay nearly one hundred thousand dollars to correct what we have to deal with right now with regard to the income tax and now we may have to spend an additional thirty thousand dollars a day to keep this Legislature going to deal with the increased problems that we are now going to have to address in light of these revenue projections. The question I have is why? What is going on? And, do we need to take additional steps, as a Legislature, to address this obvious failure to make reasonable, competent, projections of our revenue picture on which to base, on a timely fashion, a state budget and a reasonable tax policy. If we need to do something in addition, whether it be additional contracting out with an independent firm,

additional staff, whatever it takes, let's determine what it takes, what it is and let's do it before we leave this session. I don't want to be in this position again. Thank you.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I appreciate the comments from the good Senator from Cumberland, Senator Andrews, but I find them interesting, to say the least. For those of us who serve in leadership, this is not a new revelation at all. As a matter of fact, for the last two months we have been meeting and I regret that the good Senator hasn't been informed as to the trend that was showing up in the sales tax revenues. But, for the last two months, members of leadership have met with the Governor on a continual basis, have been informed, and knew about the trends that we were heading for. Some of us have been concerned about it, obviously. It was mentioned several months ago in the newspaper that this problem might be coming.

It is interesting that we would bring this up on the Record and I want to mention that over the years this hasn't been a great science. Last year when the good Governor Brennan was here, and his estimates on income tax were one hundred and nineteen million dollars off and that is obviously not a science. It is difficult to make these kind of predictions. I would like to mention to the Senate and to those people out there who are interested in this that for the last four or five years, we have been experiencing an eleven percent growth in sales tax. This year the Governor's office predicted eight percent, because he was concerned and didn't want to project more money, more revenues, than we would be getting. It seems that now we are talking five percent. These projections have only begun to show up in the last three to four months and obviously now is the time when we have to make decisions.

Personally, I am not upset about this. I think the Legislature and those of us assembled here in Augusta, have got to begin to realize that we can't do everything for everybody. As far as I am concerned, it is good that we have finally come to the realization that the taxpayers of this state can't afford the continuing growth of government that we have experienced over the last eight years. I think that it is unfortunate that some people have traveled throughout the state, promising everything to everyone.

As far as I am concerned, now is the time when they have to answer to those people who they promised. I am sure that by the end of this session, by the next fourteen days, we can come to a reasonable solution for this problem. I, for one, am not going to vote to spend thirty thousand dollars a day to come back here for one more day. I just feel that we have the ability here, as leaders of this state, to make the kind of decisions that have to be made. When I go home at night, and when I face my monthly bills, I am willing to cut when I have to cut. The people who I represent, who work in shoe shops and drive trucks, have to live within their budget and I think it is time that the Legislature does the same thing. I think it is time that state government does. I am willing to make tough decisions and I look forward to the next fourteen days to see that we can do what is best for the people of this state. Thank you.

Senator BALDACCI of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I went down to a meeting with the Governor and Finance Director and they explained to us what was going on. I just can't sit back here and say that it has always happened before. I have been here for four terms and this is the first time that it has happened since I have been here, or been made aware of it. I am sitting here trying to balance property tax relief, trying to balance AMHI, trying to balance all the needs for the state, and I get walloped with a hundred and six million dollar shortfall nine months into a budget year. No business has operated like that. Are you going to wait until nine months to figure out that there is a trend? Hey, the horses have left the barn after nine months. It isn't going to do any good to close the door now. The rate is being established at the recessionary level of 1982. I asked the Finance Administrator you are saying that we are going to have a recession or we are going to be in a recession? That is for economist to decide, was the response. We are going into June, July, and August, the three busiest months of the retail trade. The tourist season is being established at recessionary levels. I don't know what the figures are going to say, but I have lost all confidence in whoever gives us those figures. As far as I am concerned, these figures came from the cookout we had the other day out in front of the State House. And, I will tell you they have still been cooking. These figures came out the tenth day of the month and every single month before it, they came out on the fifteenth day of the month. This time they come out the tenth day of the month. I have a non-partisan financial analyst who tells me that everything is fluid if you pull the figures on the tenth, they will be less than if you pull them on the fifteenth. Then I am looking at a Department, which tells us about income taxes not being a problem. Then we have to hire an independent consultant and he says there is a problem. It is very frustrating to see the State of Maine operated this way. Very, very frustrating, and if it wasn't so (gosh darn) serious you could really laugh about it, but it is really sad. There had better be some straightening up, because now we are faced with a hundred and six million dollars, we are faced with drastic cuts, we are not even looking at property tax relief, we don't know anything about solid waste now. You are going to go back home and try to explain that to people?

Off Record Remarks

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

Senator KANY: Thank you Mr. President. Mr. President, men and women of the Senate. I rise after hearing the two words solid waste. I personally hope to have my name associated with solid waste, it is a lot better than the old days when it used to be nuclear waste.

I just wanted to rise to say that this morning, during work session in the Energy and Natural Resources Committee, I asked the Governor's Counsel if there were any change in the Governor's recommendation on spending related to solid waste in that the Part II Budget did contain 2.7 million dollars for that purpose. He reported that now the administration is recommending a 1.1 million dollar level. That does concern me greatly, because dealing

with solid waste is simply not something that we can put off. There is a crisis out there and we know it. Whether we like it or not, we are going to have to be looking at something, but I just wanted to forewarn you, members of the Senate, that this is a serious matter and we simply must address it now. Thank you.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate off the Record.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. Perhaps we should have stayed with the debate on 5-50. It may have been concluded by this point in time. Suffice it to say, that the Senator from Franklin, Senator Webster, in his remarks directed at the Senator from Cumberland, Senator Andrews, is erroneous in that he suggested that the Senator from Cumberland, Senator Andrews, has not been informed. For I submit that it is that Legislative Joint Standing Committee on Taxation that is more informed and more accurate in projections, withholding, property tax, than is the Department and its administration, whose projections we have had to rely on in the 114th Maine Legislature.

The problem of personal income tax over-collections is not trivial and the problem of property taxes in our state is not illusionary. The independent assessment and accompanying report substantiates that. This state government has proudly always balanced its budget and if the Senator from Franklin, Senator Webster, can't get that through his head than perhaps today is the day. We are Constitutionally bound to do so, and while he consistently and continually presents the analogy of the constituents in his Senate District, who have to live within their budgets, so does the grand State of Maine and we will continue to do so. We will make the necessary adjustments, the Legislature will establish the priorities, and a budget will be passed. The citizens of this state will benefit.

We may address human needs, rather than computers. We may place property tax relief ahead of other programs that have been suggested, maybe even capital expenditures, but we will come together as responsible, elected people representing all of the citizens of the state and do our best. Thank you Mr. President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1236

WHEREAS, the Federal Government has substantially reduced its efforts to provide the citizens of this country with decent, safe, and affordable housing; and WHEREAS, nationwide there is a serious shortage of affordable housing for lower and moderate income households; and

WHEREAS, between 1970 and 1986, home prices in Maine increased 492% while income rose only 181%; and

WHEREAS, between 1970 and 1986, median rents increased 334% while income rose only 181%; and

WHEREAS, the failure of income to keep pace with the increased cost of housing has created a shortage of affordable housing in Maine; and

WHEREAS, Maine has been a leader among the states in the development of creative solutions to the affordable housing crisis; and

WHEREAS, Maine once again has developed bold and innovative proposals designed to coordinate and target the resources and efforts of the public and private sectors to address the affordable housing crisis; and

WHEREAS, organizations involved in addressing the affordable housing crisis will be represented at the State House on Wednesday, June 7, 1989, to provide Legislators and the public with information on their efforts; and

WHEREAS, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Housing and Economic Development will jointly hear bills on June 7, 1989, to finance the Affordable Housing Partnership Act of 1989, now, therefore, be it

ORDERED, the Senate concurring, that Wednesday, June 7, 1989, be declared "Affordable Housing Day," and all Legislators and the public are invited to attend and participate in the events and affairs of the day.

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

On motion by Senator BERUBE of Androscoggin, ADJOURNED until Thursday, June 8, 1989, at 8:30 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
79th Legislative Day
Thursday, June 8, 1989

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Raymond Melville, St. Mary's Catholic Church, Augusta.

The Journal of, Wednesday, June 7, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 7, 1989

The Honorable John L. Martin

Speaker of the House

114th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education, the Governor's nomination of Robert L. Hinckley of Manset and Warren C. Cook of Freeman Township for appointments and Malcolm C. Cianchette of Hartland for reappointment to the Maine Maritime Academy Board of Trustees.

Robert L. Hinckley is replacing Irving Kagan.
Warren C. Cook is replacing King Cummings.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 636)
JOINT RESOLUTION COMMEMORATING THE 200th
ANNIVERSARY OF THE TOWN OF FRANKFORT

WHEREAS, one of the wellsprings of Maine's tradition is its history of seafaring and shipbuilding, whereby Maine sailors and Maine craftsmanship acquired worldwide reputations; and

WHEREAS, the Town of Frankfort, located along the banks of the North Branch of the Marsh River in Waldo County, and proud abutter of the majestic Penobscot River, is one of the sources of this tradition and skill, as a historic locus of Maine's shipbuilding; and

WHEREAS, this tree-shaded community was established in the mid-1700s by Joshua Treat, Jr. who persevered in maintaining the young community through British attacks in the Revolutionary War, and as the town thrived and prospered thereafter; and

WHEREAS, as the Town of Frankfort was incorporated shortly after the Revolutionary War by the General Court of the Commonwealth of Massachusetts on June 25, 1789, and was the 70th town incorporated in the territory which would become the State of Maine; and

WHEREAS, beginning in 1794 and continuing through the late 1800's many proud ocean-going schooners, barks, and ships of war were crafted in Frankfort and this tradition of fine shipbuilding continues to the present; and

WHEREAS, the town is also known for the fine granite quarried from the top of Mt. Waldo between 1836 and 1965; and

WHEREAS, this granite was used to construct such noble edifices as this State House, Fort Knox, the