

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 3, 1980 to May 1, 1981**

KJ PRINTING  
AUGUSTA, MAINE

STATE OF MAINE  
One Hundred and Tenth Legislature  
First Regular Session  
JOURNAL OF THE SENATE

March 31, 1981  
Senate called to order by the President.

Prayer by Pastor Ken Dutille of Calvary Bible Baptist Church in North Whitefield.

Pastor DUTILLE: I'd like to read a prayer that was written by our country's first President, George Washington in 1783, and then close with mine.

"Almighty God, we make our earnest prayer that Thou will keep the United States in Thy holy protection, that Thou will incline the hearts of the citizens to cultivate a spirit of obedience to government, and entertain a brotherly affection, and love one another and for their fellow citizens of the United States at large. And finally, that Thou will most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, and the peace of mind, which were the characteristics of the divine author of our blessed religion, and without which we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ, our Lord."

Our Father, if no other day were here to greet us in this world, we're thankful that You did bring us to this wonderful one. Today, we have recognized so many blessings for which we are thankful; how wide is Your mercy upon us, how wide is Your salvation to us, how great is Your compassion upon us.

We pray especially this morning for divine health for our President of the United States, Mr. Reagan, and for the others who were injured yesterday. Grant Thy health and strength and peace to all of them.

We pray for the Senators this morning. Guide each decision that is to be made, dear Lord. We now bow in humble thanks to You for the joy of life, as we know it. Accept our prayer, O' Lord, in Jesus' name. Amen.

Reading of the Journal of yesterday.

**Papers From The House  
Non-concurrent Matter**

Bill, "An Act to Establish a Kennebec River Future Commission." (H. P. 1141) (L. D. 1285)

In the Senate, March 26, 1981, Bill and Accompanying Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be En-grossed as amended by House Amendments "A" (H-115) and "C" (H-150), in non-concurrence.

On motion by Senator Collins of Knox, Tabled until Later in Today's Session, pending Consideration.

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

the Kennebec Valley Squirt Hockey Travel Team, 9-10 year olds, 1981 Maine State Champions. (H. P. 1296)

Ewen MacKinnon, a senior at Cony High School, winner of the Class B Unlimited State Wrestling Championship. (H. P. 1297)

Come from the House, Read and Passed. Which were Read and Passed, in concurrence.

**House Papers**

Bill, "An Act Incorporating Federal Funds Directly into the State Budgeting Process." (H. P. 1249) (L. D. 1473)

Bill, "An Act to Increase the Salaries and the Limit of Compensation for the several District Attorneys." (H. P. 1264) (L. D. 1479)

Bill, "An Act to Make more Equitable the Computation of the Spruce Budworm Pre-project Excise Tax." (Emergency) (H. P. 1265) (L. D. 1480)

Come from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act Concerning Insurance Proceeds under the Maine Insurance Code." (H. P. 1266) (L. D. 1481)

Bill, "An Act Concerning Certificates of Contribution under the Maine Insurance Code." (H. P. 1267) (L. D. 1482)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which were referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act Concerning the Liability of Teachers and School Administrators Who Administer Medication to Children in Emergency Situations." (H. P. 1250) (L. D. 1474)

Comes from the House, referred to the Committee on Education and Ordered Printed.

Which was referred to the Committee on Education and Ordered Printed, in concurrence.

Bill, "An Act to Establish the Procedure for Payment for Attorneys' Fees Awards Against the State." (Emergency) (H. P. 1251) (L. D. 1475)

Bill, "An Act to Create an Appellate Division of the Workers' Compensation Commission." (H. P. 1252) (L. D. 1476)

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

Which were referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Bill, "An Act to Clarify that the Contract Bar Rule does not Apply to Unit Clarification Proceedings under the State Employee Labor Relations Act." (H. P. 1253) (L. D. 1477)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

Which was referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, "An Act to Diversify Maine's Participation in the Eastern States Exposition." (H. P. 1254) (L. D. 1478)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

On motion by Senator Hichens of York, referred to the Committee on Agriculture and Ordered Printed, in non-concurrence.

Sent down for concurrence.

**Communications  
Committee on Education**

March 27, 1981

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House

Augusta, Maine  
Dear President Sewall:

In accordance with 3 M. R. S. A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Peter A. Cloutier of South Portland for appointment to the Board of Trustees of the Maine Maritime Academy.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:  
Senators 3  
Representatives 8  
NAYS:  
Senators 0

Representatives 0

ABSENT:

2—Rep. Laurence Connolly; Rep. Neil

Rolde

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 Peter A. Cloutier to the position of member of the Board of Trustees of the Maine Maritime Academy be confirmed.

Sincerely,

S/HOWARD M. TROTZKY  
SENATE CHAIRMAN

S/LAURENCE E. CONNOLLY, JR.  
HOUSE CHAIRMAN

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Peter A. Cloutier 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 110th 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?

(Off Record Remarks)

The PRESIDENT: The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA—None.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBrearty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President J. Sewall.

ABSENT—Conley, Redmond.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Peter A. Cloutier is confirmed.

**Committee on Education**

March 27, 1981

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House

Augusta, Maine  
Dear President Sewall:

In accordance with 3 M. R. S. A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of William C. Hughes of Brewer for appointment to the Board of Trustees of the Maine Maritime Academy.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:  
Senators 3  
Representatives 8  
NAYS:  
Senators 0  
Representatives 0  
ABSENT:

2—Rep. Laurence Connolly; Rep. Neil

Rolde

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 William C. Hughes of Brewer to the position of member of the Board of Trustees of the Maine Maritime Academy be confirmed.

Sincerely  
S/HOWARD M. TROTZKY  
SENATE CHAIRMAN  
S/LAURENCE E. CONNOLLY, JR.  
HOUSE CHAIRMAN

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of William C. Hughes 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 110th 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.

YEA—None.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President.

ABSENT—Conley, Redmond.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of William C. Hughes is confirmed.

(Off Record Remarks)

#### Committee Reports

##### House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Appropriate \$2,500 to the Sanford Parks and Recreation Department to Host the 1981 New England Babe Ruth Baseball Tournament." (H. P. 162) (L. D. 219)

Bill, "An Act Relating to the Salary of the Executive Secretary of the Workers' Compensation Commission." (H. P. 629) (L. D. 710)

(Representative Carter of Winslow — Abstained.)

##### Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds on a Local Matching Basis, for an Instrument Landing System at the Sanford Municipal Airport." (H. P. 943) (L. D. 1119)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Provide for an Inactive License for Barbers and Beauticians." (H. P. 920) (L. D. 1091)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Improve the Administration of Decedent's Estates." (H. P. 428) (L. D. 475)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An

Act to Establish Standards and Procedures for Allocating Responsibility among Parties to a Products Liability Action." (H. P. 597) (L. D. 674)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Relating to Attorney's Fees and Costs in Certain Lawsuits Arising out of Consumer Transactions." (H. P. 949) (L. D. 1125)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Clarify the Designation of the Practice of Chiropractic under the Chiropractic Licensing Law." (H. P. 499) (L. D. 581)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Amend the University of Maine Labor Relations Act to Restrict the Areas of Required Bargaining." (H. P. 621) (L. D. 704)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act Concerning the Tax on Exotic Bets at Harness Racing Tracks." (H. P. 700) (L. D. 825)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Eliminate the Sales Tax on Clothing." (H. P. 939) (L. D. 1109)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide Property Tax Relief for Retired Persons." (H. P. 967) (L. D. 1158)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

#### Bills Reported pursuant to Joint Order (H. P. 1165)

The Committee on Taxation on, Bill, "An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1981-82." (Emergency) (H. P. 1290) (L. D. 1484)

Reported that the same be referred to this Committee for Public Hearing — pursuant to Joint Order (H. P. 1165)

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Taxation.

Which Report was Read and Accepted and the Bill referred to the Committee on Taxation, in concurrence.

#### Ought to Pass

The Committee on Labor on, Bill, "An Act to Repeal the Provision Concerning Waiver of an Employee's Rights under the Occupational Disease Law." (H. P. 566) (L. D. 642)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

The Committee on Legal Affairs on, Bill, "An Act to Exempt the Elderly from Beano Licensing and License Fees." (H. P. 852) (L. D. 1015)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass — As Amended

The Committee on Marine Resources on, Bill, "An Act to Amend the Purposes for Special Marine Resources Licenses to Include Educational Institutions." (H. P. 799) (L. D. 953)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-138)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A"

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Collins of Knox, Recessed until the sound of the Bell.

#### Recess

#### After Recess

The Senate called to order by the President.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Allow Registers of Probate to Aid Persons Using Probate Courts." (H. P. 429) (L. D. 476)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-132).

Signed:

Senators:

CONLEY of Cumberland  
KERRY of York

Representatives:

HOBBINS of Saco  
CARRIER of Westbrook  
LIVESAY of Brunswick  
BENOIT of South Portland  
LUND of Augusta

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

Signed:

Senator:

DEVOE of Penobscot

Representatives:

SOULE of Westport  
REEVES of Newport  
DRINKWATER of Belfast  
JOYCE of Portland  
O'ROURKE of Camden

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Mr. President, I move that the Senate Accept the Ought Not to Pass Report and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. Mr. President, and Members of the Senate, this Bill is a disarming little bill. It seeks to make a major change in the function of the register of probate as we have known it for many, many years.

Traditionally, the register of probate has been the elected official who was charged in the statutes, with managing the probate office in the county seat, managing the personnel,

making sure that records were kept, and in presenting papers to the judge for his consideration and signature.

This Bill seeks to put into the statute, what appears at the outset to be a rather insignificant change. It seeks to say that the register of probate may, for the first time in the history of this State, aid and counsel people who walk into the probate court to file applications for informal probate, and also closing statements.

There is an inconsistency in the Amendment before you that I would like to mention. The second sentence of the Amendment talks about "no register may draft, nor aid in drafting, except certain documents." And yet, the third sentence excuses any employee, and says that "no register, nor any employee, may charge fees or accept anything of value".

You might call this the P. L. O. Bill, the Probate Law Office Bill, because what's going to happen if this Bill passes, is that the register of probate, and that office, is going to become a law office. Every citizen for the State is going to be walking into their respective registries of probate, when they have informal applications for probate. They're going to be bringing their wills in. They're going to be buying the forms for a dime or 25 cents apiece. Then they're going to be sitting there and saying to the register: "Register, the statute says that you may help me. Will you please help me in filling out these forms?"

I suggest to you that counties are going to have to purchase liability insurance to cover advice that is gratuitously given by their probate registers. I would ask each and every one of you to call your respective register of probate before you ultimately vote on this Bill, maybe not today, but certainly in the future, because it will be before us again. Ask them, point blank, if they favor the passage of this Bill. I think that you will find, almost unanimously, that the registers are not in favor of seeing this Amendment Adopted.

This is another one of the foot in the door kind of bills that we've been faced with lately. This Bill passes, then some people are going to be coming in and asking that the Small Claims Law, be amended, so that clerks of the district court may give advice to people in the filling out of the statement of claim that is filed in the small claims court.

This Bill really loses sight of what always has to happen once a will has been probated, or once an estate proceeding has been commenced. There is no language in the Amendment that permits the register of probate from continuing to advise. It's going to be a logical expectation from the person who sought the initial advice in getting a will allowed, that he or she ought to be able to go back to the register of probate and get answers to the question such as, now that the will has been allowed, what do I do now? What should I be doing now? Yet, the register is going to have to stop. The way the Amendment is worded, it says, "assistance may be given in filling out applications for informal probate". It doesn't say anything else. It also mentions closing statements, but there's a big gap between the start of an estate and the completion of work on an estate that's going to go unanswered.

So, Mr. President, for these reasons, I move the Ought Not to Pass Report. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, I think this is one of the first bills to come down from the Judiciary Committee that has been a Divided Report of any insignificance dealing with legislation. I would say, as one who signed the Ought to Pass Report of the Committee, that we could really call this Bill, the Layperson Relief Act of 1980.

It's a very, very simple Bill. It's what most attorneys, I'm sure, would be upset with because of the fact that some poor soul who doesn't understand procedures that go on in the

probate court have to go out and hire an attorney to just file and we're talking about uncontested cases before the probate court.

Here is a simple form. The probate court, the county name, the docket number, the estate of the deceased, etc. Here are some of the questions that are on the questionnaire. Name of applicant, address of applicant, legal interest of applicant in the estate, full legal name of the decedent, date of the decedent's death, date of the decedent's birth, domicile of decedent at date of death, several other little questions. Then we get into the area of naming such things as the real estate, tangible personal property, intangible personal property, total. Very, very simple forms that really one doesn't have to hire an attorney to file these things before the probate court, or with the registers themselves. There's no real reason to have to pay an attorney \$50 or \$60 an hour to sit down and file these simple little forms.

All this legislation before us states, and again, it's simply Enabling Legislation that says "the register of probate may assist someone in filing these reports in uncontested cases." That's it. It's as simple as that. We've heard things of, it's practicing law without a license and all this. It has absolutely nothing to do with it. It's a very, very simple case. This Bill was recommended to us from a judge of the probate court. There was another bill that was submitted and the committee unanimously did away with that bill; but we feel that this one has some merit to it, and it will bring about some cost savings to the citizens of this State.

Again, it's only Enabling Legislation, if the register of probate wishes to assist the individual.

I would hope you would vote against the pending motion.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Devoe, that the Senate Accept the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

8 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to Accept the Minority Ought Not to Pass Report of the Committee does not prevail.

The Majority Ought to Pass, as amended, Report of the Committee was Accepted in concurrence. The Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System." (H. P. 369) (L. D. 407)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-133).

Signed:

Senators:

TEAGUE of Somerset  
COLLINS of Knox

Representatives:

RICHARD of Madison  
STEVENSON of Unity  
ARMSTRONG of Wilton  
PARADIS of Old Town  
HICKEY of Augusta  
THERIAULT of Fort Kent

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

Signed:

Senator:

BROWN of Washington

Representatives:

NELSON of Portland  
WALKER of Skowhegan  
PERRY of Mexico

CROWLEY of Stockton Springs

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-149), Thereto.

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move we Accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Somerset, Senator Teague, moves that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President, I urge that we not Accept the Majority Ought to Pass Report for the following reasons, if I may speak to that.

First off, this particular Bill is a Bill that allows a new organization, the Maine Association of Retirees, to have representation on the Board of Trustees of the Maine Retirement System. This is a new organization. It's been in existence for a very short amount of time. They have upwards toward 2,000 members at present. The employees have been represented at present by the Maine State Employees Association that retired people have. All this Bill does is to spell out in the statutes that one of the people on the seven member board will be represented by M. A. R., this new association.

The Bill is completely unnecessary. It's for that reason that I urge that we not Accept the motion presented by Senator Teague. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I would take issue with my colleague, the Senator from Washington, Senator Brown, as to the total effect of the Majority Report. The Majority Report contains Committee Amendment "A", which becomes the real thrust of the Bill. Committee Amendment "A" simply adds this new association of retirees as one of the groups that may submit names to the remainder of the Maine State Retirement Board for the election of the seventh member.

The Board is a seven member board, two public members, and then there are slots for particular categories for the other five members. The last member of the Board, the seventh member, which is what this concerns, is elected by the other six members from amongst names that are submitted from various places.

The testimony that we heard in our committee hearing indicated that there is a growing conflict of interest between the active members of the retirement system and the retired members of the system. This was an attempt to give a little more voice and emphasis to retired members for this slot, because this slot is categorized as available for a retiree, not for an active. If the actives are going to control it, it really loses a lot of its purpose in the statute.

So it would seem to me that this is a reasonable way to fairly balance the board. At the appropriate time, if the Majority Report is Adopted, I will be moving to strike off the additional Amendment that was placed on this in the other Body.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Somerset, Senator Teague that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

16 Senators having voted in the affirmative,

and 15 Senators in the negative, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee, in concurrence does prevail.

The Bill Read Once. Committee Amendment "A" (H-133) was Read. House Amendment "A" (H-149) was Read.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move the Indefinite Postponement of House Amendment "A" (H-149).

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Indefinitely Postpone House Amendment "A" (H-149).

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I'd speak in opposition to the motion made by the good Senator from Knox, Senator Collins. It seems to me that if we're going to list one organization in the statutes, then I think we should be somewhat consistent and name all of them in the statutes. Therefore, I hope that the motion presently before this Body would be defeated.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, the general idea of not mentioning groups in statutes is many times a sound idea, but the fact is that this particular statute does mention specific groups. It has for years. We aren't going to cure that as an endemic problem by this one suggestion.

The problem, obviously, with the Amendment placed in the other Body from the floor, is that the groups that are mentioned there as being added to a long list, is a list of active groups, not retired groups. This slot is clearly defined by statute as available to a retiree, not to an active member. Active members have their own representation. They have representation specifically from: the Maine Teacher's Association, Maine State Employees Association, from a participating district. They are adequately represented already.

This Amendment that I'm seeking to strike off says, adds the names: American Federation of State County, and Municipal Employees; the International Association of Firefighters; the International Brotherhood of Teamsters; the Maine Association of Retirees; the Maine State Employees Association. All but one of those are active groups. All that we're asking is a little balance, so that the retirees get their voice into this picture, too. They're entitled to be represented and not be in the conflict of interest problem that the actives have very clearly told us is a major problem today.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President and Men and Women. I would like to point out to you that the particular slot that my good friend Senator Collins has mentioned is presently held by a retiree, a member of M. A. R. and also, I think, a past member of the Maine State Employees Association. So that particular spot is held by a retiree at present.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, having formerly been a member of the Maine Committee on Aging and having watched this Body in the past try to give better representation to our aging community I would urge the Senate, today, to go along with the Senator from Knox, Senator Collins, because I feel that this would indeed better guarantee the representation of our aging community within this group.

One example was banks, there was at one point, while there was no particular exclusion there was an age factor which included the directors of different classes of lending institutions from having the aging community

represented there. If we do allow all these others to come on, then by the numbers and by the voting factor, we are perhaps encouraging that they be excluded rather than included and I suspect many of us would rather have aging community included rather than excluded.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, I happen to be looking at the newsletter that the Senator from Knox, Senator Collins was so happy to pass around yesterday and put on our desks. In reading the newsletter of the Maine Association of Retirees, I noted at the bottom of the first column that they have just recently held their first meeting and they just at that point had 250 charter members attend and they adopted their first by-laws which will last through June 30, 1982.

It is my understanding that this is a rather new organization, not even one year old as of this time. I would like to have somebody, perhaps, respond as to why we are taking a group that is so new, which is only several months old and putting them in the statutes at this time? It was my understanding that the individual that is on the board at this time is a member of this association already. So I see this as needless legislation.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins, that House Amendment "A" be Indefinitely Postponed, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

17 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Indefinitely Postpone House Amendment "A" (H-149) does prevail.

Committee Amendment "A" (H-133) Adopted, in non-concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Senate

##### Leave to Withdraw

Senator WOOD for the Committee on Taxation on, Bill, "An Act to Authorize Special Development Districts." (S. P. 388) (L. D. 1146)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

##### Ought to Pass — As Amended

Senator TEAGUE for the Committee on Aging, Retirement and Veterans on, Bill, "An Act Concerning Health Insurance Plans under the State Retirement System." (S. P. 300) (L. D. 844)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-82).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

##### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Abolish the State Lottery." (S. P. 99) (L. D. 214)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

VIOLETTE of Aroostook

CHARETTE of Androscoggin

Representatives:

COX of Brewer

PERRY of Mexico

SOULAS of Bangor

GWADOSKY of Fairfield

SWAZEY of Bucksport

McSWEENEY of Old Orchard Beach  
STUDLEY of Berwick

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S-83).

Signed:

Senator:

SHUTE of Waldo

Representatives:

TREADWELL of Veazie

STOVER of West Bath

DUDLEY of Enfield

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I move the Acceptance of the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Waldo, Senator Shute, moves that the Senate Accept the Minority Ought to pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Yes, Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President and Members of the Senate, this Bill, of course, repeals the Maine State Lottery. It has some transition provisions and it submits the whole question to a referendum of the people at the next State-wide election.

Some of the press have asked me why I included a Referendum Clause, and I think, that the answer is really in the history of the legislation that is now on the Books. In 1973, in May, this Maine Senate voted against the Lottery Bill. A State Senator by the name of Joseph Brennan, stated in the debate, "I do not think that this is going to raise any significant amount of money, I do not think that we should try to raise dollars with gimmickry, which would not enhance our image, but should face our needs for revenue honestly."

In the month that followed some very adroit lobbying took place and on June 20, and 25 this dead bill was recalled from the Legislative files, by a two-thirds vote. The debate that followed presented estimates of revenues between \$8,000,000 and \$10,000,000 per year. The Legislative Record of 1973 indicates that the Lottery was really sold on the basis of a significant revenue to the General Fund and all the good causes that such money would serve.

I believe that in the public referendum which followed the attractiveness of this \$8,000,000 to \$10,000,000 windfall may have encouraged many people to vote yes. I believe that the Legislature and the people were innocently misled.

Now that there has been a reasonable period of experience with this adventure in gambling, the voters ought to have another chance to assess it.

This year's current budget looks for \$2,211,000 in revenue from the Lottery. The latest reports look like a shortfall, my prediction would be net revenue of about \$875,000 for this fiscal year ending June 30th. So much for the history of our Lottery.

My second and gravest concern, is that our beloved State of Maine has become a pusher. A pusher of an ignoble gratification. That timeless delusion that you can get something grand for almost nothing, reward without effort, the free lunch syndrome.

We permit partimutuel betting, but we do not push it. Although the State receives revenues from the sale of liquor, it does not promote the sale of alcohol. Although we gain tax dollars from the sale of cigarettes, we are passive collectors, not pushers.

In the case of the Lottery we are ardent promoters spending thousands on television to en-

courage the less noble side of human nature. I have stood in line at a supermarket check-out and watched people pay for their meat and cereal with Food Stamps and then fork over two or three dollars of hard cash for Lottery Tickets.

For me the Lottery seems to be a form of regressive taxation, that we can do without. I would much prefer an increase in the Gas Tax.

Finally, the State's experience with this titillation of avarice has been less than satisfying. The shameless huckstering of the television ads was widely criticized in 1979 and 1980. At least 2 of the commission members have resigned in disgust over various policies. In 1978 former Representative Richard Kerry is quoted as saying, "I still think that it is a sick dog, and I am hoping for some improvements under Mr. Dostie's leadership."

At that time the return to the State was much more than it is now. A few months ago, Mr. Kerry, as Director suggested a new tie-in with off-track betting. I can not imagine a stronger invitation to the infiltration of organized crime. Does anyone doubt that the mafia takes a huge slice of the gambling profits in Nevada and New Jersey? Happily the Governor threw a monkey wrench at that idea.

You will remember that two or three weeks ago, this Senate spent, I think, three days debating a bill which would permit a dissatisfied customer, from way back in 1975, to sue the Lottery for one-half million dollars. You can remember that this Senate on some occasions voted in favor of that position, although we finally defeated it.

I shudder to think of the costs to the State to defend a rash of class action suits against the Lottery if we were to consider, as we did before, that type of Bill. Let's get out of this business before we get into real trouble.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I would like to make the motion that this Bill and all its accompanying papers be Indefinitely Postponed, and I would like to speak to my motion.

I listened with great intent to the statements just made by the good Senator from Knox, Senator Collins. I have a great deal of respect for him, but while he was speaking a thought rather dwelled on me as to whether or not something was contagious in this seat right across from me, recalling that 2 years ago the then Majority Floor Leader, the Senator Katz of Kennebec, sponsored the same type of legislation.

If you want to analyze the history of the Lottery Bill, I can assure members of this Senate that I voted against it right down the line until the point that they re-called the Bill to allow it to go to the people, to vote on whether or not this State should have a lottery. I can assure you that when I went to the voting booths, on that particular day, I voted no. The people of this State requested that we have a lottery.

Now I do not know how, people start projecting what kind of revenues are going to come from the Lottery. I would be the first to admit that the Lottery has been no great financial success, for the State. I would also state that the directors of the Lottery have tried, through many different ways to, try to, increase the revenues for the State.

I would say one thing that it probably has harmed the Lottery more than anything in the world has been the Legislature and some of the people who have served on the Commission in the last several years.

I remember that they had a advertisement scheme, going at one time, that raised the roof here of many Legislators when they were using the capital letters "ME" representing Maine. Most of us found that to be extremely distasteful and the Ad Agency brought a total halt to that type of advertising.

I think that there is a little bit more of a serious problem facing the State today as to whether or not we continue on with the State Lottery. I see the good gentleman from Cumberland, Senator Huber, Chairman of the Appropriations Committee, every day he looks another year older, to me, as I see him as he tries to wrestle with the General Fund and how he is going to get a budget out of his committee that is still balanced.

When we start plucking \$870,000 odd out of the air and say we do need it, lets do away with it. When you lose \$870,000 you almost have to make it up twice, because you are throwing \$870,000 away and then you have to go out and grab something else to bring it back in. So that is a problem two fold.

I haven't heard any complaints from the people on the street that I talk with with respect to the Lottery.

It seems that we all are specialists in Augusta, there isn't any problem that we can't address ourselves to, we can solve the highway problem, we have been here since January and nothing has happened yet. The General Fund, we can solve the problem, nothing, is done yet. We are going to aggravate the problem by continuing debate on an issue that is going to remove close to a million dollars from the General Fund.

We can all look at some of the programs that we enact, every 2 years, and we can take that million dollars and deduct it from most any program that is doing some one some good. Whether it is Education, Human Services, or right down the line.

I think that there are many people in the State who find that gambling is something that they like, and we try to establish what the standards of life for everyone are going to be. You can not sit in there and throw the dice against the wall, you can't play poker Friday night, because if we know about it we are liable to have the State Police move in on them. People like to gamble, and I am not so sure how clean our race tracks are in this State, as to whether or not some of the boys in Boston might have their fingers in the turf, but I have not heard anyone point their finger at the Maine State Lottery Commission and say that there is some dirty work going on underfoot. I think that it has been a pretty honest forthright operation. No one has accused the Maine State Lottery, or its Director, or the Commission of any type of foul play.

Some one had a good idea, and they put it out to the people and the people said, Yes, let us have it. I do not hear anybody saying take it away from us, not yet. I think that we have to weigh, inspite of the fact of what our own personal feelings are about a lottery, how much good is it doing in the General Fund. If anybody tells me that people are blowing their pay checks week after week, on the Lottery and using Food Stamps and General Assistance, I think that that is obnoxious and sheer demagoguery.

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

Senator CLARK: Thank you, Mr. President, Mr. President, Men and Women of the Senate, seldom and at risk, I admit, do I stand in total opposition to the remarks of that prestigious and honorable gentleman from the County of Cumberland, the Minority Floor Leader, Senator Conley, but as a co-sponsor of this piece of legislation, at the specific request of a very large segment of the Maine citizens in Senate District Number 11, I stand in opposition to the pending motion of Indefinite Postponement this morning.

I would suggest to you that we are not attempting here today to establish standards of morality and living for Maine citizens. Very clearly and yes even simply, this Bill would allow the voting citizens of the State of Maine to decide, at an appropriate date this coming fall, whether or not the Maine State Lottery

should continue to exist, or meet its demise. This Bill simply allows a referendum. The referendum will be determined, the outcome of that referendum will be determined by the voting citizens of the State of Maine.

I am appalled, even dismayed that the Minority Floor Leader this morning would suggest that it is this Body, that should make that determination and not the citizens of the State.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I opposed the State Lottery in the beginning, feeling that the voters were sold a bill of goods and given the mistaken impression that here was a source of State income to help our education system and the State government in general.

I believe, that if given that opportunity to vote on a referendum question to abolish the Lottery Commission, that you will see a far different expression of opinion. I don't think the good Senator from Cumberland, Senator Conley, has been listening to the same people that I've been listening to. I've had people, especially in my own area, from all over the State, to urge me to do what I could to abolish the State Lottery Commission.

Referring to people who buy Lottery Tickets, I don't know whether a survey has been made in the State of Maine, but at a welfare conference I attended three years ago in Massachusetts regarding welfare fraud, we were told that in Massachusetts and New Jersey, over one-third of all lottery tickets were sold to welfare recipients. Massachusetts has a law that prevents welfare recipient winners from receiving welfare funds to the amount of their winnings.

Things just haven't worked out the way the voters were led to believe they would. I hope the Senate, is well aware of the problems that the Commission has had, and the lack of income generated from the State Lottery, will vote to send this out for referendum vote, that the people have a chance to repeal what they voted a few years ago.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, being on the Majority side of the Report on the Committee, I felt that I ought to make a few comments in reflection of the good remarks by the Senator from Knox, Senator Collins, whose remarks are basically the same as those he made in committee last week.

First of all, there has been, to the best of my knowledge, no great outpouring from the general public asking for yet another referendum issue on this matter. As a matter of fact, the committee moved its hearing to a much larger quarter, and quite frankly, the room was empty. There was no great outpouring of the general citizenry asking for yet another referendum question on the ballot.

The Lottery, perhaps, has not lived up to the expectations of the Legislature when it passed the initial referendum issue some several years ago. It has, though, contributed some \$10 million to the General Fund over the last five years, and this year will probably contribute another \$1 million. I don't see this as a problem. I think it's share to the General Fund is very good and also very necessary at this particular time.

The good Senator from Knox has brought up several issues relative to the State being involved in a promotion of the Lottery. I do agree that the State is in the business of promoting the Lottery.

He has also made some comments with respect to the liquor and cigarette industry, where the State is not involved in the promotion. I'd like to say to the Senator from Knox, that the businesses themselves do a very good job promoting the sale of liquor and cigarettes



in this State. It's a multimillion dollar industry. It's a multimillion dollar advertising industry. I don't think the State has to get involved in that, Senator.

The State this year will expend somewhere in the vicinity of \$175,000 for the promotion of the Lottery through all forms of media. When we sit down in the evening and watch TV, we are not inundated by scads of TV commercials. When we pick up the paper in the morning, there's not a blitz of advertising pushing it down their throat that they must go out and buy a Lottery Ticket every hour of the day. It's very obvious that not everybody in the State of Maine is buying Lottery tickets. The number of people buying lottery tickets has, quite frankly, gone down over the past few years. I happen to feel that that's a direct result of the Lottery being used as the whipping boy of certain legislators over the years. It creates bad press. People are never sure as to the continuity of the Lottery from year to year. Everybody is putting in another Bill to do away with the Lottery. This is just another one. They've been defeated in the past. This one deserves as little as we've given those in the past.

I would certainly hope that the good Senate today, in all of its wisdom, would see fit not to yet send another issue out to referendum, when no one has asked for it. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I had no intention of speaking on this, but I understand the feelings of many people that the Lottery has not lived up to what it was touted, that it was going to be when it was first taken to the people back a few years ago. If you're going to vote on, based this morning on the expectations of the people back in 1973, I would just ask you to honestly ask yourself, if the Lottery has not lived up to the expectations of yourselves or the people of the State of Maine in general, is that the Lottery's fault? Or is that the politician's fault? Is that our fault?

What are we trying to do this morning? Are we trying to abolish something that's bad for State government? Or are we trying to redeem our own credibility in the eyes of the people? We, not myself in particular, because I didn't happen to be here, but the Legislature oversold the Lottery badly to the people of the State of Maine. You see it happen every day on this floor and the floor of the other Chamber.

So don't use that as a phony barometer of why you're voting today. The fact is that this particular agency does bring in approximately a million dollars a year. That's a million dollars that we're going to come looking out of the pockets of taxpayers of the State of Maine for very soon, if we don't have it from the Lottery.

So I would hope that you would keep those expectations in mind and be realistic this morning when you vote. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I have one final word that I'd like to say on this Bill. That is, I find it really quite inconsistent in the fact of wanting to pass a bill that's going to strip the coffers of the State of nearly a million dollars, and at the same time saying, well we're going to throw a million dollars away. I would rather have a Gas Tax. How many people out there in the street are yelling for a Gas Tax? I dare anyone to bring a Gas Tax in. If you're talking about shrinking from our duties by not passing this Bill, allowing the people on it, how many people do you think in my district would like a second bite at the apple on repealing the State Income Tax? I can tell you. About 99 out of 100, and it would fly. But you'd never get that bill through this Senate or that other Body down at the House.

We have a million dollars that's needed, well-needed. If we want to play games, all we're doing is playing games. I don't like the Lottery.

I've never voted for it. The fact is, the people of this State accepted it. It's bringing in nearly a million dollars, after expenses. We're going to have a table full of so many LD's over there, requests after we come close to adjournment, we're not going to know what to do. We just want to set a little fire to a million dollars. That doesn't even make sense.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, very briefly, I told myself if I ever had the opportunity to speak on this Bill, that I would have to do it. The people of the State of Maine, I don't believe, knew what kind of a fiasco they were going to get into when they voted for this Bill in the first place. It's been an embarrassment ever since it's been a law. It's an embarrassment to me as a citizen, as a legislator, and as a citizen of the State of Maine. I think if the people knew, how embarrassing it was going to be, a million dollars or not, out of a billion dollar budget, that's peanuts anyway. It's no way to run a railroad.

I think, if the people knew, they would never have voted for it in the first place. I think they ought to be given the opportunity to look at again. No matter how you cut it, the majority of the people that are participating in the Lottery are the people that can least afford it, that are having their dreams go up in dollar bills every day that they go to the store. I think it's time we give the people the opportunity to put a stop to it.

Mr. President, when the vote is taken, I wish it be taken by the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes from York, Senator Wood.

Senator WOOD: Mr. President, Members of the Senate, I will be very brief. I don't know if the voters in District Number 3 are different than other voters, but I thought I'd share with you the rather incomplete results of my questionnaire. The first question I asked them was, do you favor abolishment of the Maine State Lottery? Yes — 17, No — 48, Undecided — 15. The last question I asked them was, do you favor a Gas Tax? Yes — 13, No — 60, Undecided — 6.

I think I will be voting to keep the Maine State Lottery.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you, Mr. President. Mr. President, and Members of the Senate, I support the pending motion of Ought Not to Pass. I'm wondering, is this the year to do away with money? I think this is a choice, the Lottery is a choice. Some choose to play the stock market, some choose to go to the race-track, and some people choose to play the Lottery.

This is a lot of money you're talking about. Perhaps the proponents of this legislation are correct, to send it to referendum. I think before we send it to referendum, we ought to understand the system. Right now, the way the law reads, the commission is in charge. Let's change the management structure and put the director in charge. Then if he's not responsible, then we can handle that matter, too. If the commission is in charge, and they're scattered all throughout the State, how can they run an operation that is centered in Augusta?

So before we send it out to the people, let's change this. Change the system around. Then perhaps we can settle the matter right here without going out to the people.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate, we've had all of these speeches throwing up an alarm because we're going to lose all of this money. Yet, they also tell us that the people don't want to vote on the situation. If they're so confident that the people

are going to vote to keep the State Lottery, we'll be keeping this money coming in, as they think it's going to come in. I just can't understand their logic in what they're saying to us.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, Men and Women of the Senate, I sit here listening to the debate and some of the opponents of the Lottery. I wonder if they would also be willing to get rid of the stock market. This is simply a stock market for the working class.

I hope you won't abolish it.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I just could not be complacent on this particular matter, since I was one of those nasty awful people that was here during the segment of time that this Bill was passed for the referendum question to the people of the State of Maine. I, too, like the present Governor, opposed the Maine State Lottery. My sentiments were expressed similar to his on the floor of this Body, but I made it a point to check in my own municipality as well as the several small towns in my particular Senatorial District as to, would they favor the abolition of the Maine State Lottery? The polls I get say very sincerely, during these very trying times, keep the \$175,000. You need it to keep that store running.

So this morning, I'm going to support the motion to keep the Maine State Lottery alive. There has not been any outcry in my area from the people, saying we must abolish the Maine State Lottery.

I really believe that we've done the right thing. It was mentioned on several occasions to the people for them to make the decision. I don't think, in this day and age, it would be wise to send it back, because I know number one, it would be a waste of money to put it to the people in referendum, because I'm quite sure they will overwhelmingly vote to keep the Maine State Lottery intact.

The PRESIDENT: Is the Senate ready for the question?

Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that this Bill and its accompanying papers, be Indefinitely Postponed.

A Yes vote will be in favor of Indefinitely Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charette, Conley, Dutremble, Gill, Huber, Kerry, Minkowsky, Najarian, O'Leary, Pray, Teague, Trafton, Usher, Violette, Wood.

NAY—Clark, Collins, Devoe, Emerson, Hichens, McBrearty, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Trotzky.

A Roll Call was had.

19 Senators having voted in the affirmative and 13 Senators in the negative, with No Senators being absent, the motion to Indefinitely Postpone (L. D. 214) does prevail.

Sent down for concurrence.

#### Second Readers

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

#### House — As Amended

Bill, "An Act to Permit the Employees of the Franklin County Community Action Council to



Withdraw from the Maine State Retirement System." (H. P. 213) (L. D. 251)

Bill, "An Act to Ease the Enforcement of Judgements." (H. P. 458) (L. D. 504)

Bill, "An Act to Impose Reasonable Interest Charges on Judgment Debtors." (H. P. 763) (L. D. 900)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

#### Senate — As Amended

Bill, "An Act to Regulate Interest Rates on Life Insurance Policy Loans." (S. P. 153) (L. D. 361)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Bill, "An Act to Revise the Charter of the Richmond Utilities District." (S. P. 254) (L. D. 723)

Bill, "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordinations with State and Federal Regulations Governing Required Social Services Nursing Homes." (S. P. 235) (L. D. 653)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

#### Enactors

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

AN ACT to Amend the Group Life Insurance Program for State Employees and Teachers. (S. P. 301) (L. D. 845)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Provide for an Annual Report by the Board of Trustees of the Maine State Retirement System to the Legislature. (H. P. 896) (L. D. 1063)

AN ACT to Amend the Charter of the York Water District. (H. P. 149) (L. D. 175)

Which were Passed to be Enacted and having been signed by the President were by the Secretary presented to the Governor for his approval.

#### Orders of the Day

Senator Hichens of York was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: Thank you, Mr. President.

McBreairty, McBreairty, the moose of Maine do honor thee and on thy Birthday have you know — no thoughts of malice would they show.

E'en though you've cut into their herd, and even now they have the word

That by L. D. 300 they are going to face another day

When up to a thousand hunters will invade the woodlands — Break the still-ness and will cut their herd the more — As hunters stalk and rifles roar.

For years they've been the symbol here of great regality — held dear

Within the hearts of those who come to visit — those who call Maine home.

The moose cannot quite understand — why they'll no longer roam the land

In peace but just be classed as game — linked with all others by that name.

No longer they shall Regal be — but face in all humility

The so-called sportsman out to kill and drag their bodies o'er the hill.

No longer can they dare to stand — while those with camera tight in hand

Take pictures — they'll just have to run for their dear lives — all peace is done.

And though they strive to reason why — each

year a thousand more will die.

McBreairty, McBreairty — the moose of Maine still honor thee

And on thy Birthday have you know — no thought of malice do they show

But hope that all your dreams may be envisioned by their own dire plea

To live and let live — they implore to let them roam the woods once more

And each year have the chance to say, with all your friends — Happy Birthday!

The President laid before the Senate, the first Tabled and specially assigned matter:

Bill, "An Act Changing the Name of the Department of Manpower Affairs and Clarifying the Term of its Commissioner." (H. P. 291) (L. D. 335)

Tabled—March 30, 1981 by Senator Collins of Knox.

Pending—Consideration.

On motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

The President laid before the Senate, the second Tabled and specially assigned matter:

SENATE REPORTS—from the Committee on Labor—Bill, "An Act to Place Maximum Limit on the Inflation Adjustment under the Workers' Compensation Act." (S. P. 281) (L. D. 789) Majority Report Ought to Pass as amended by Committee Amendment "A" (S-70); Minority Report Ought to Pass.

Tabled—March 30, 1981 by Senator Collins of Knox.

Pending—Acceptance of Either Report.

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

Senator SEWALL: Thank you, Mr. President. I move that we Accept the Minority Ought to Pass Report and I further ask that when the vote is taken, it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I would hope that we, there's another part of this Bill here, the Majority Report Ought to Pass. The difference between the two Bills is one would allow a 5 percent cap on the adjustment to benefits in Workmen's Compensation, while the Majority Report would allow a 10 percent cap.

I guess, before I go on, I just have one question to ask from either of the sponsors, or anybody who is a proponent of this Bill, is what wisdom they used to come up with the 5 percent figure on a cap on this adjustment of benefits.

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

Senator SEWALL: Thank you, Mr. President. The Small Business Conference came up with a cap of 5 percent, because in the inflation rate used, or the percentage used in raises per year, which is each year an individual's benefits are adjusted in proportion to increases in statewide average weekly wage, and the average is between, over the past 10 years, I believe, it's between 5 and 6 percent, therefore, 5 was thought to be a reasonable cap.

I would, also, like to mention that in 35 states, they don't have any inflation adjustment at all. The 5 percent on the cost of living adjustment for persons receiving State retirement benefits, and that seemed to be a reasonable amount. This would save an annual cost of about 8 percent. Those are the reasons.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, first of all, the Blaine House Conference on Small Business does not mention any cap figure at all. It does mention that there should be a cap on benefits, but doesn't say whether that cap should be 5 percent, or 10 percent, or 20 per-

cent, or any percentage, anyway I can't find it, maybe it's in there.

Senator Sewall says, that over the past 10 years, there's been an inflation increase of 5 to 6 percent a year. That's fine and good when the inflation rate is 5 or 6 percent, but last year it was 12.5 percent. I would hope those figures are right. After all, those are some of the figures thrown around in the last Presidential Election by many of the opponents of the Democratic President at the time. I think some figures were higher than that, that were mentioned.

The adjustment of benefits is figured out by figuring what the average increase of all the people in the State were over a year. Last year that was 8.5 percent. So that means that people who received their benefits lost 4 percent purchasing power.

The cap means that the adjustment is only up to that amount. It doesn't necessarily mean that it has to be 10 percent. It's up to 10 percent. It could be 5 percent, 4 percent, 8 percent, depending on what the annual average was.

We keep hearing people talking about the national level, at the state level, there has to be cuts made. There's a great feeling among people around the country that want a cut. But they don't want to touch the needy. We want to cut in places where people are defrauding or don't really need help. The places we're capping right now are people that are the most needy. We're talking about widows. We're talking about orphans. We're talking about people with long disability. We're talking about people who can't go out and get a second job. They will have to live with what the benefits are.

We are the poorest State in the Union, 50th in the standard of living. And here we are, cutting benefits, because supposedly, the businesses and industries are saying, we can't take anymore. Well the people can't take anymore either. It's not just the businesses and industries that are being affected here. The people are being affected, too. The only difference is, that the people can't grab on to anything to blame. Business and industry can. They can grab the Workmen's Compensation Act and say, that's to blame, that's partly to blame, and we can go after it. And that's what they're doing. We've had 39, 40, 41 measures on this thing. A lot of them came out of the Blaine House Conference on Small Business. The only problem with this Report is that it's onesided. Small business, business and industry. Who, may I ask, thought of the working people of this State when they came out with the proposals on this thing?

I just want one thing answered here. If this passes, and there is a 5 percent increase, and you save 5, 10, 20 percent on the cost of your Workmen's Compensation, does that mean that the services that the businesses and industries provide in the State will go down? Or does it mean that there will be just a little bit more for them to put in their pocket, and to blaze with the people?

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Men and Women of the Senate, I'm not sure that my remarks will answer some of the questions that have been posed by the good Senator Dutremble. I urge, however, that you support the Minority Ought to Pass for some of the reasons that I will give at this time.

I'd like to give you just a brief historical perspective on this particular Bill. While campaigning last fall, and also I came to the Blaine House Conference on Small Business, one of the things that people were crying about constantly, was Workmen's Compensation. Consequently, one of the things that I did when we first came together in early December, was to go up and speak to one of the legislative assistants and tell him that the two things that people were telling me, in terms of Workmen's Compensation, that we need some relief, in

term s of the rates. The second thing, that we won't need some motivation to get people back to work after they are out on Workmen's comp. So, in an effort to try to do something about that, I worked on this, and the 166 2/3 Bill, which is also in committee at present, and another Bill, which I'll talk briefly about in a moment.

The one thing that I've learned, is that around hunting time of the year, Workmen's Comp. claims increase. Another thing I learned is that there's a whole slew of lawyers in this State that are becoming very wealthy as a result of Workmen's Compensation. I learned from a physician friend of mine that when he held firm on not certifying Workmen's Comp injury, he said only another physician would. I was told that when the no tax check, Workmen's Comp. Check, arrives, that it may be more than the worker received in his regular pay. This is may be, I was told this.

So I decided something needed to be done. Little did I know how everybody would become embroiled in the kind of controversy that it's involved in now. Being a freshman, I can be excused from those sort of things, I suppose.

Back to this story, about how this piece of legislation came about. There's a particular lobbyist here who has gotten total credit for this legislation and a couple of other pieces, but I want to tell you that this particular one is one that I worked on and come up with. It just so happened to match up with one that this particular lobbyist has mentioned.

Another one is to initiate a data systems study. That's coming on shortly. Another one is to freeze the increase at 166 2/3, but specifically on this Bill.

Those of you that heard Mr. Devoe, the Chairman of the Workmen's Comp. Commission last Thursday, a couple of things that he mentioned. One was that there's a horrible backlog on Workmen's Comp hearings. There are more months behind, during which time, as I understand it, a worker is paid, by the way. Another thing he said was that, this is a quote, "I cannot tell you where the system is going or how to make corrections. There's no information available." So we need this data systems study, which we'll be working on shortly as another Bill.

What this particular Bill, we have before us now does, is place a halt on the increases until we can have some other method to go in terms of Workmen's Compensation. Here are some of the reasons that I think we need this. I called the State Controller's office at the end of last week and here's what I found out in terms of the state rate. We're self insured, but we do have a contract with a private agency.

In 1976, Workmen's Comp. paid \$475,000. In 1977, \$545,000. In 1978, \$1,045,000. In 1979, \$1,300,000. In 1980, \$1,950,000. That's the kind of increases that we're experiencing now. We've got to call a halt to this.

The one thing that I'd like to see happen is that this not be turned into a strictly partisan issue. It's been my party over the years that has been instrumental in standing up, as I perceive it, for the working people of this country. We've worked very hard to bring about the level of benefits that we currently have, but in the name of fairness, and that's what it is now, the name of fairness, we've got to go ahead and start doing something about the continued increases in Workmen's Compensation. I don't think that there's a person in this room that wants to go back to the lack of protection the workers had at one time. I don't know a single one that does.

The worker is not being made a scapegoat, as one of the weekly newspapers has labelled. All that's being requested in this present Bill, is that we place some kind of a halt until we can do a comprehensive study, and until we can get some data back in terms of how we're going to revise the entire Workmen's Comp. System.

The State of Florida revamped its system in

1979. Not only did they have no rate increase in 1980, they also raised the benefits of workers employed by 25 percent. They went from fourth in premium rate to twentieth. How much did this pay on Workmen's Comp. premiums? Now attorneys say that the system in Florida is awful. The reason why is because they can no longer drain \$40 million, that's the amount that was drained out of Florida, in terms of the litigation. In Maine, the attorneys take out about \$15 million. Insurance company lawyers are arguing against employee lawyers. The poor person that's caught in the middle is the employer that's paying these tremendous rates.

Another example of some changes that could take place, over in New Hampshire, there were 60,000 claims filed last year, about the same that was filed in the State of Maine, although they have much less population. New Hampshire, the Labor Commission heard 1,700 cases. In the State of Maine, we heard 10,000 cases. Again, an example of where the attorneys are making out on it. Most cases can be settled without the adversary relationship that we presently have. We're supposed to have an agreement system. Yet, the attorneys' average about \$1,500 per case.

In my county, Washington County, as has been mentioned by the good Senator Dutremble earlier, Maine is one of the poorest states. My county is one of the poorest counties in the State. When we've got large companies that look at our State, also small companies, but the large companies, and they find out, they look at Florida, they look in New Hampshire, they look at the State of Arkansas, where the rates are one half of what they are in this State. Or they look at the State of Wisconsin, where they're one quarter of what they are in this State. And when we're talking about a million two, three, four million, dollars in terms of Workmen's Comp. Insurance Claims, where do those people go to set up new factories and set up new businesses?

We also live in an age where taking advantage of a system has kind of become a national past time, become a national past time, taking advantage of a system. We even joke to each other about suing. We do know that there are a group of professionals out there that live off the system. Those people exist. I'm defining professionals again, as not a certain body of knowledge professional, but those people who have learned to live off the system. Many of these people have lost faith in the system of our society. Their goal is to wreak havoc the best they can. I've been a part of the Welfare Rights Organization, so I know what that's all about. I'm saying that we've got a group of lawyers that's doing a whole lot to wreck the system of Workmen's Compensation.

Now I don't believe that our Workmen's Comp. problems are because of big insurance companies, although I would like to look at a state system. As I mentioned earlier, the State of Maine self-insures, but it also goes through a private company for service. We've also been told, and from communications that have been laid on our desks recently, that there will be a 30 percent savings if the State took over the total system. That's just not true.

I don't want to be pitted, on this particular issue, against party members, and again the party that has worked so long and hard to try to come up with a benefit, that the working people have in the country. I don't want it to be a Democratic versus Republican issue, but in the name of fairness, and in the name of the small businesses of this community, of this State, we have got to have some relief from Workmen's Compensation.

So let's get our data systems study going, and in the meantime, let's pass this Bill, put a cap on the increases and the premium rate, and then let's start on a comprehensive plan of how else we're going to attack the Workmen's Comp. System.

And remember, too, that a 5 percent cap is

tax free money, which is the equivalent of something above 5 percent. The 10 percent that has been mentioned earlier, as this Amendment, essentially kills this Bill.

So I urge that you support the Ought to Pass Minority Report, and I thank you very kindly for your patience.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, and Members of the Senate, I guess it's of paramount importance to be on Record on these different issues, so nothing is misconstrued in the future.

I think the arguments advanced by the good Senator from Washington are very compelling and should be listened to very closely.

I, too, have been a Democrat all my life, and has been reiterated previously, chances are that when I die, I'll still be a Democrat.

I'm also concerned for the injured and the disabled people of the State of Maine, the workers who have justifiable claims. My heart goes out to these people. I want them to be covered fully.

Also, Mr. President, and Members of the Senate, many of the small business people in the State of Maine are Democrats, both men and women. They have indicated to me very clearly, the trials and tribulations that they have been subjected to, not only by the Workmen's Compensation Bill, but by all the other demands that have been placed upon them by the State Government as well as by the Federal Government. One of the compelling things they were fascinated by, during the Blaine House Conference, was the fact that, yes, let's get government out of your pocketbooks and off your back. And yet are we attempting to do this today? In my estimation, the answer is no.

I know the problems that have been advanced to me by so-called ripoff artists, who are attorneys who are capitalizing upon the Workmen's Comp. Claims in the State of Maine. In some cases, allegedly the exorbitant fees charged by the insurance industry, which I have no verification of, but I've heard it said.

Another argument that has been brought forth is, we have 40 or more bills pertaining to Workmen's Comp. presently in the Labor Committee. The argument was further advanced, let A.I.M. and the unions come to grips with these particular 40 bills, and come out with a viable document that everybody can agree upon. I disagree with that particular evaluation. We're not up here representing the unions, nor are we up here representing A.I.M. We are here representing the people of the State of Maine. If decisions on these 40 bills are going to be made, they should be made by us, and not compromising bills that are advanced by the vested interest groups in the State.

I am going to support, this morning, the Minority Ought to Pass Report, because it's the only document we have before us that can be amended and revised and further researched, if it doesn't meet with everybody's approval. Just to scuttle it, on the understanding that another document is going to be advanced both by the unions, as well as A.I.M., I think is a serious matter that we should not even be looking towards.

If the day comes that we, as a Legislative Body, don't have the capability and the confidence to weigh, evaluate, analyze, and disseminate these matters, then it's about time we resign from our respective seats in this Maine Senate, or in the entire Legislature, as far as I'm concerned.

Again, the arguments advanced by the good Senator from Washington, are sound, they're logical, and they're constructive. I would urge the Members of the Senate to support, at least for the time being, the Minority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Mr. President, Women and Men of the Senate, I too, rise in favor of the Minority Report and for many, many reasons. Many good points were brought up by Senator Brown. I'd like to read from a letter here which was very lengthy, however just two paragraphs of it. This comes from one of the larger employers of Lewiston:

"It is essential for the lawmakers of Maine not to place additional financial obstacles in the paths of the business community. The record high costs of Workers' Compensation to Maine employers is an example of how Maine lawmakers unwittingly, or by design, have badly wounded the State's economic climate. Maine is one of the lowest states on the nation's economic ladder, yet we rank among the three highest states in the nation in Workers' Compensation benefits. The costs are staggering, and will continue to rise unless this Legislature adopts some of the reforms that have been proposed in the current Session, and continue the remedies in the years ahead.

Maine and this nation have reached the stage where lawmakers and their leadership have to put personal and party ambitions on hold. The issues which face Maine employers and their work force, transcend party lines. They can be resolved only by a strong coalition of forces committed to furthering the common good of people. It's no longer an issue of Democrats versus Republicans, labor versus management. A working partnership is acutely necessary. The very future of the economy is at stake."

So I will vote on the minority on this issue.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President, Mr. President and Members of the Senate, first of all, I'd like to give a little bit of historical perspective myself. The Republican Party has, for many decades, controlled the Senate, except for two years. So when we start talking about the partisan responsibility of Workmen's Comp. let's remember all those bills went through this Senate, as well as, the Democratic controlled House for the last two years, and before that, that House was also controlled by the Republican Party.

As a small businessman, I have been receiving numerous amounts of literature on these Workman Comp. Bills from the independent insurance agent which I purchase my insurance from, making a number of statements which concern me here today, because of the intent of the Workmen's Comp. Bills as passed in this State. I'd like to quote one letter, which talks about how the series of events of which we're at today came about.

"In 1972, a group of young legislators in Augusta seized upon the recommendations of a Federal Government report for increase of Workmen's Comp. Benefits, and quickly passed all of the important recommendations."

In 1972, this Body was controlled by the same party which controls it here today. So I think the question of partisanship, as to who is responsible is immediately withdrawn. As a matter of fact, the Democratic party didn't even have the opportunities in the early 70's of holding such almost majority as we do today.

These young legislators in Augusta, who seized upon this opportunity, I could name a few. Some of them are area Republicans. They are attorneys. They serve in this Body as well as in the other Body. Many of them sponsored the number of bills which were considered at that time to be the recommendation of a Federal Government report. The Federal Government commission, which is appointed by a Republican president, President Nixon at the time. That Commission, in addition to labor representative on the Commission, had a representative of an employer, a self-insurer, an insurance company, and Workmen's Compensation administrators.

So, clearly, that Commission was made up of three out of the five individuals representing employers and insurance companies. There was not a pro stacked labor employee board, or commission, that made these recommendations.

The Independent Insurance Agencies of Maine, in their bulletins, have been sending out a number of positions on all of the LD's that have been appearing before the Labor Committee. They've been making a number of statements as to what this Bill does and what their intent is. As a matter of fact, they've come out with a small brochure type of thing which says in it, "that reform legislation to get Maine's systems back on track is before the 110th Legislature. It is directed primarily at administrative procedures, rather than withdrawal of desirable benefits. We have reached the absurd point, where a man is worth more disabled than able, more dead than alive."

I have a high respect for the work ethics in Maine. As a matter of fact, if anyone wants to take the time and call over to the Bureau of Labor and Industry, or over to the Economic Development Office, you'll find we have about 300 new businesses in this State that have come in in the last year or so. And I would just add, one thing they do mention in here, study, after study, indicates that it's not the high benefits which is the culprit. They state that time, and time again, they are not after any types of taking away from benefits or limiting benefits to an injured working man.

Then, in that same newsletter, they support the LD that's before us. They support a number of legislative documents, 39, if the figure is correct, 39 bills dealing with Workmen's Comp. that are still in this legislative process somewhere. Some of the titles other than the ones that we presently have deals with methods of payments for impaired benefits under the Workmen's Comp., which is desired for an individual who loses his hand, his arm, his leg, or anything else, is to decrease what he gets paid for that, because it says because he makes so much money for losing his arm, he doesn't want to go back to work. That's one bill.

Stabilize the maximum weekly benefits under Workmen's Comp. another bill, which limits what an injured employee, who is hurt on the job, a work-related injury, would be able to receive.

Another one to stabilize the maximum benefits which an individual would receive.

Another one to exempt employers which have less than five people. Because if you hire less than five people, that person, if he's hurt on the job, shouldn't have the security of the Workmen's Comp. The list goes on, as I say, there's around 39 bills.

I agree with many of the remarks made by the Senator from Washington, Senator Brown, and the concern that the insurance industry has, and the concerns that the small business people have, that the costs are high. The question is, is whom do we take that out on? The Senator from Washington suggested that we study and we find out the problem of the system. But his approach is, first of all, let's make sure the injured employee is frozen to where he's at. He made in his statement, perhaps by mistake, that the bill froze benefits and premiums. I hope he did not mean the premiums to the insurance company, because this Bill does not freeze premiums to insurance companies or their percentage of take on it.

I have in my hand here an interim report to Congress on occupational diseases. Many of the people fail to remember that Workmen's Comp. also, to a degree, relates itself to occupational diseases as well. Under the section on Workmen's Comp. their report to Congress stated, in reference to the benefit dollars, or the premium dollars collected for Workmen's Comp. Insurance, that 60 percent of that dollar is paid out in medical benefits; 40 cents of every premium dollar goes towards litigation

and overhead expenses, in addition to insurance company reserves, which is invested at 18 percent, dividends to the stockholders.

The concern that I have, perhaps to many of these small insurance companies, independent insurance agencies, is if we took these working men and women of Maine who we all have high regard for. We all say there's a great work ethics, that Pratt and Whitney came to Maine because of our labor force, and many of our people who have migrated out-of-state to go to Connecticut, and they say, I'm from Maine. Pratt and Whitney hires them in a minute, because they're good workers.

If these same individuals, once they're injured upon a job, as to the effect and the buying power that they would have that would affect small businesses also, must be economically felt, because most of these same individuals buy their life insurance, they buy their car insurance, they buy their house insurance from these same independent agencies. If they are hurt on the job, and they no longer can afford it, then what are they going to do? Those who don't have the opportunity, perhaps, if he's older in life, if he's around 55 or 60, if he is hurt, then the chances of rehabilitation are lessened a great deal.

I disagree with the remarks made by the Senator from Androscoggin, Senator Minkowsky, as to whose responsibility it is to find a solution. I believe it is the part of the Legislature, and those who have an acute interest in this matter. In this instance, if you attended any labor hearings, it's clearly been the Associated Industries of Maine, and the AFL-CIO. They both have a very acute interest in this matter. The legislative workload of the Labor Committee, I think, the Chairman of that Committee will tell you they have well over 100 bills. They have perhaps, as many bills dealing with unemployment as they do with Workmen's Comp.

I think it's important that we bring these factors together and try to find something that doesn't just freeze the benefits to an individual who was injured on a job, and make him the culprit, and make him pay the cost in time, until studies are completed.

I support the other bills that are in the system that would allow the commission a better opportunity to study the problems, to gather statistical data, and then we can make the intelligent decision, but when insurance companies say it isn't the benefit level, the federal report says it isn't the benefit level, then why is it the benefit level that we're trying to put a limitation on?

I clearly believe that there is a better alternative than taking someone who has received that injury, in line of occupation and making him pay the brunt of the concerns of the small businessman and the insurance company.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Mr. President, Men and Women of the Senate, my personal concern with regards to this bill, as a small businessman, is that I agree that there is a major problem with regards to the Workers' Compensation. But, on the other hand, in our industry and other industries similar to ours, which is labor intensive, we find that many people who are injured on the job, and do require medical attention, have a very difficult time receiving the benefits, even if they are properly approached and properly file the requisite papers. I have found many constituents in my area, specifically, and I would have to relate the cases of single women with children. Many of our shoe factories, our tanneries, many of the industries which employ single heads of households, and who are injured, end up not being able to pay for their rent, not being able to buy their food, not being able to maintain their family stability because of their injury. They, then, are required to apply for welfare. They then are required to demean themselves and humble themselves, if you will,

by going to the local town offices and asking for fuel assistance, food stamps, and other requirements.

I think the greatest problem that I have faced as a Senator recently, has been the fact that one woman in particular from my community waited almost one full year for the benefits to be paid her. In the meantime, she was evicted from her home for non-payment of her bills. Her daughter had to leave her job to come home to take care of her because she was unable to dress herself, take care of herself, or maintain herself in her own home.

It's very hard on the families, and I think that the good Senator from Biddeford, Senator Dutremble, and the good Senator from Penobscot, Senator Pray, have indicated that there are probably 100,000 people in the State of Maine, one-tenth of our population that is affected by the Workers' Compensation program.

I think I agree 100 percent with many of the people who have spoken in favor of this Bill, to cap the program, but I think, in reality, what we're trying to do here, is to find a solution to a problem that is fundamental, and we're trying to bandaid a cancer.

Many of the small businesses that have written me, because they have been prompted by the insurance companies throughout the State, and I don't blame them for doing that either. I pay the insurance premiums, as an employer. I don't blame people who are in business who want to decrease their cost, with inflationary rates running at 17 percent or higher. Let's face it, the major problems with the State of Maine with regards to this particular Bill have been building up for a long time. If we try to use a stop gap measure, with only hitting one specific part of the problem and not addressing the total problem, then we are merely placing the extra burden on the working people. I think it's very important, and I'd like to emphasize this, that I concur that this is not a party issue. In fact, I think more issues are determined here based on the dollars and cents than they are on the ideological position of either party. It's very significant that people from my area, which is a labor-intensive area, are realizing gross unemployment rates, and with this added burden of not being able to receive unemployment compensation after they have been unemployed, it is wreaking havoc with the basic family structure.

Many of the people who have written to me have been workers who have been aggrieved on the job, have waited many months for the resolution of their problem, and the backlog in the current unemployment compensation, or Workers' Compensation Board and Commission, has caused them even greater grief.

I would say that the fundamental problem must be addressed, maybe in a long term study, involving all the parties that are involved. I think it's appropriate to interdict this system by removing one single party out of the program, namely the workers of the State.

I see that Senator Sutton was over here taking assiduous notes, and I wanted to stand up prior to his long dissertation, so I think I'll yield the floor. Thank you very much.

The PRESIDENT: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Lincoln, Senator Sewall, that the Senate Accept the Minority Ought to Pass Report of the Committee.

A Yes vote will be in favor of Acceptance of the Minority Ought to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Brown, Charette, Clark, Collins, Devoe, Emerson, Gill, Huber, McBreaity, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Sutton, Teague, Trafton, Trotsky.

NAY — Bustin, Carpenter, Conley, Dutremble, Kerry, Najarian, O'Leary, Pray, Usher, Violette, Wood.

ABSENT — Hichens, Shute.

A Roll Call was had.

19 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators being absent, the motion to accept the Minority Ought to Pass Report of the Committee does prevail. The Bill Read Once and Tomorrow Assigned for Second Reading.

On motion by Senator Collins of Knox, Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Paper from the House

#### Joint Resolution

#### STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND EIGHTY-ONE

JOINT RESOLUTION IN SYMPATHY TO  
PRESIDENT RONALD W. REAGAN  
AND TO OTHERS INVOLVED IN AN  
ATTEMPTED PRESIDENTIAL ASSASSINATION

WHEREAS, the President of the United States and three others were critically injured in a blaze of gunfire on March 30, 1981 at the Washington Hilton Hotel, Washington, D.C.; and

WHEREAS, Members of the Legislature were shocked by the news as details of this incident were slowly revealed; and

WHEREAS, an anxious State and Nation await the outcome of this tragic attempted assassination; and

WHEREAS, the citizens of Maine are joining people from all over the world in prayers for their survival; now, therefore, be it

RESOLVED, that We, the Members of the 110th Legislature of the State of Maine, pause to express our deepest sympathy to:

President Ronald W. Reagan

Press Secretary James S. Brady

Policeman Thomas Delahanty

Secret Service Agent Timothy J. McCarthy who are each fighting for life following surgery; and be it further

RESOLVED, that our hearts and prayers shall faithfully remain with each of them during this difficult period; and be it further

RESOLVED, that the Secretary of State transmit copies of this resolution forthwith in token of the sentiment contained herein. (H. P. 1304)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

On motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.