

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

PASSED TO BE ENGROSSED
AS AMENDED

Bill "An Act Relating to Lobster Trap Vents" (H.P. 322) (L.D. 421)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Representative Mitchell of Freeport offered House Amendment "A" (H-70) and moved its adoption.

House Amendment "A" (H-70) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

PASSED TO BE ENACTED
Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1987 (H.P. 956) (L.D. 1285)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Clarifying Municipal Home Rule Authority as it Relates to Shoreland Areas (H.P. 113) (L.D. 138) (C. "A" H-61)

An Act Relating to Legal Status of Partnerships (H.P. 348) (L.D. 447)

An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities (H.P. 773) (L.D. 1036) (H. "A" H-63)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative O'Gara of Westbrook, Adjourned until Thursday, April 23, 1987, at nine o'clock in the morning.

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

In Senate Chamber
Wednesday
April 22, 1987

Senate called to Order by the President.

Prayer by Reverend Canon Lawrence Clark, Jr. of the Saint Dunston's Episcopal Church in Ellsworth.

REVEREND CLARK: Let us pray. O God, by whom the meek are guided in judgement, and light rises up in darkness for the godly. Grant the members of this Senate, in all their doubts and uncertainties, the grace to ask what You would have them to do, that the spirit of wisdom may save them from all false choices, and that in Your light they may see light, and in Your straight path may not stumble. Through Jesus Christ, our Lord. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Relating to the Uniform Unclaimed Property Act"

H.P. 969 L.D. 1298

Comes from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which was referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Create Regional Detention and Evaluation Centers for the Secure Confinement of Juveniles"

H.P. 950 L.D. 1279

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House referred to the JOINT SELECT COMMITTEE ON CORRECTIONS and ORDERED PRINTED.

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

Bill "An Act to Allow the Employment of Part-time Superintendents of Schools"

H.P. 964 L.D. 1293

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 Clarify the Responsibilities of State and Federal Laws Regarding the Chemical Substance Identification Laws"

H.P. 967 L.D. 1296

Committee on BUSINESS LEGISLATION suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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

Bill "An Act to Recognize the Maine Area Agencies on Aging"

H.P. 968 L.D. 1297

Comes from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Require Physical Contact Before a Dog Owner may be Liable for Damages Caused by his Dog"

H.P. 963 L.D. 1292

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Assure that the State Income Tax does not Increase Due to Changes in the Federal Income Tax Code"

H.P. 965 L.D. 1294

Bill "An Act to Repeal the Gross Receipts Tax on Telecommunications Services" (Emergency)

H.P. 966 L.D. 1295

Come from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which were referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

Study Report

Committee on HUMAN RESOURCES

Report of the Committee on HUMAN RESOURCES to which was referred by the Legislative Council the Study Relative to the Driver Education Evaluation Program have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Driver Education Evaluation Program Study" (Emergency)

H.P. 962 L.D. 1291

Be referred to the Joint Standing Committee on HUMAN RESOURCES for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

COMMUNICATIONS

The Following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

April 15, 1987

The Honorable John Martin
Speaker, House of Representatives
The Honorable Charles Pray
President, State Senate
State House
Augusta, Maine 04333

Dear Speaker Martin and President Pray:

In accordance with Special and Private Laws of 1986, Chapter 749, the Advisory Committee on Staff Retention is pleased to transmit to you and the Legislature, the enclosed report.

The Committee members look forward to presenting our findings to the Legislature. We appreciate your continued interest in issues affecting Maine citizens with mental retardation.

Sincerely,
S/Beverly Bustin, Senator
Chairperson

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

Off Record Remarks

SENATE PAPERS

Bill "An Act to Establish an Outreach and Support Program for Head-Injured Persons"

S.P. 436 L.D. 1316

Presented by Senator ANDREWS of Cumberland
Cosponsored by: Senator GAUVREAU of
Androscoggin, Representative PINES of Limestone

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Bill "An Act to Modify Certain Sections of the Medical Examiner Act to Control Public Dissemination of Information Placed on the Death Certificate by the Medical Examiner in Cases under Investigation by the Attorney General's Office"

S.P. 437 L.D. 1317

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative PARADIS of
Augusta, Representative COTE of Auburn

Bill "An Act to Modify Certain Sections of the Maine Criminal Code"

S.P. 438 L.D. 1318

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by: Representative PARADIS of
Augusta, Senator BLACK of Cumberland

Which were referred to the Committee on JUDICIARY and ORDERED PRINTED.

COMMITTEE REPORTS

House

Ought Not to Pass

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

Bill "An Act to Amend the ATV Laws"

H.P. 441 L.D. 594

Bill "An Act Pertaining to the Sale of Bear"

H.P. 445 L.D. 598

Bill "An Act Relating to Nonresident Property Owners for the Purpose of Licensure Under the Fisheries and Wildlife Laws"

H.P. 481 L.D. 648

Leave to Withdraw

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

Bill "An Act to Expand the Adoption Registry"

H.P. 286 L.D. 369

Bill "An Act to Provide for a Replacement Moose Permit when Infected Animals are Taken"

H.P. 303 L.D. 389

Bill "An Act Declaring All Court Papers, Books and Records Pertaining to Adoptions Confidential and Providing for Their Release"

H.P. 316 L.D. 415

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Bill "An Act Pertaining to the Advisory Council to the Commissioner of Inland Fisheries and Wildlife" H.P. 394 L.D. 528

Bill "An Act to Provide for Payment of Fees for Independent Adoption Studies" H.P. 545 L.D. 732

Bill "An Act Relative to Notification of Adoption Finalizations" H.P. 648 L.D. 876

Bill "An Act to Establish an Adoption Alternative Act" H.P. 656 L.D. 884

Bill "An Act to Provide for the Printing of a Veterans' Directory" H.P. 751 L.D. 1014

Bill "An Act to Mark Animals for Identification of Ownership" H.P. 781 L.D. 1053

Off Record Remarks

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

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

On motion by Senator CAHILL of Sagadahoc, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Strengthen Local Planning Abilities Through Regional Councils" H.P. 259 L.D. 342

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-66).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-66) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on MARINE RESOURCES on Bill "An Act to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources" H.P. 327 L.D. 426

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-67).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-67)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-67) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Aid in Enforcement of Child Support Payments" H.P. 258 L.D. 341

Reported that the same Ought Not to Pass.

Signed:

Senators:

BRANNIGAN of Cumberland
GAUVREAU of Androscoggin
BLACK of Cumberland

Representatives:

CONLEY of Portland
THISTLE of Dover-Foxcroft
MACBRIDE of Presque Isle
BEGLEY of Waldoboro
MARSANO of Belfast

The Minority of the same Committee on the same subject reported that the same Ought to Pass in New Draft under same title.

H.P. 958 L.D. 1287

Signed:

Representatives:

PARADIS of Augusta
WARREN of Scarborough
VOSE of Eastport
COTE of Auburn
HANLEY of Paris

Comes from the House the Minority OUGHT TO PASS IN NEW DRAFT Report READ and ACCEPTED. The Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Reports were READ.

On motion by Senator BLACK of Cumberland, the Majority OUGHT NOT TO PASS Report was ACCEPTED in NON-CONCURRENCE.

Sent down for concurrence.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act Providing for the Use of Spendable Earnings as a Basis for Calculating Workers' Compensation Benefits" H.P. 398 L.D. 532

Reported that the same Ought Not to Pass.

Signed:

Senators:

DUTREMBLE of York
ANDREWS of Cumberland

Representatives:

MCHENRY of Madawaska
TAMMARO of Baileyville
JOSEPH of Waterville
HALE of Sanford
RUHLIN of Brewer
RAND of Portland

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-56).

Signed:

Senator:

COLLINS of Aroostook

Representatives:

WILLEY of Hampden
BEGLEY of Waldoboro
HEPBURN of Skowhegan
ZIRNKILTON of Mount Desert

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

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

Senator COLLINS: Thank you, Mr. President. Mr. President and members of the Senate. This is one

of the first Bills that comes from the Labor Committee with a Divided Report. It deals with the subject that we have all heard a lot about during the last several months, and in fact, during the last couple of years. As many of you may recall, there was a survey conducted by the College of Business Administration at the University of Maine by a certified public accounting firm in Portland. The results of that survey indicated that 58% of the respondents indicated that workers' compensation costs were the most significant disadvantage to a Maine business location.

Chaplin Clark, who is the regional vice president of the National Council on Compensation Insurance wrote "Although the Maine workers' compensation system has been plagued with its' share of troubles for some time, in the past 5 years, it has spun completely out of control, becoming dangerously unbalanced and threatening both the State's business community and its' insurers." The Bill that we have before us today gets right to the nub of the problem. It suggests a reduction in benefits. Essentially, the Bill provides for a payment bases upon 80% of the gross income, rather than 100% of the gross income. As you may recall, compensation is paid to an injured worker at the rate of two-thirds of his gross pay. Now, I think we are all aware that the gross pay is not the same as the take home pay. We have deductions for social security, for withholding income taxes for both Federal and State governments. In most cases, this will reduce take home pay by 20%, or more.

As a result of this change, if we made two-thirds of the 80%, we would, in fact, reduce the payments to injured workers. However, let's look at the other side of it. Under the present law, there are instances where workers receive more than their take home pay as a result of the present formula. I think it is time that we looked very closely at our workers comp benefit plans and determined that perhaps, we ought to reduce. There has to be some way to resolve this problem that is so oppressive to so many businesses within the State.

And lest you think it is just big businesses, let me tell you, that I come from a district where people who work in the woods and cut logs. Their employer pays 30% of their income for workers compensation. People who work in the saw mills, in Northern Maine, those employers pay frequently 19% of income for workers compensation costs.

I hope that you will reject the Majority Report and consider to pass the Minority Report. Thank you, Mr. President.

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

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate. I too, agree with Senator Collins from Aroostook, that we have to look closely at the benefit structure of the workers compensation system. I agreed to that in 1983, and I agreed to that in 1985. Many members of this Senate remember 1985, and how deeply and how closely we looked at the benefit structure in the workers compensation system. And, how we asked the working people in this State to take cut after cut after cut, in different areas of the benefit structure. Not only did we ask them, but we did it. They have been living with that for 2 years.

When we looked at that 2 years ago, the members of the Labor Committee looked at what areas of the workers compensation system were out of whack and out of line with the rest of the country. And, those were the areas we addressed. We felt it was right to

make the system fair and equitable for both employer and employee. So, we addressed it.

Low and behold, here we are 2 years later with a Bill that doesn't address an area of the system that is out of whack, but with an area that is in line with 46 other states. But, it cuts benefits so let's do it. Let's do it because, according to some people, some injured workers are taking home a little bit more money than their take home pay under the system. How many? One percent? Two percent? Those figures were suggested in our Committee and they were so low that actually nobody knew what they were. So, here we are with a Bill that will affect the other 98%. Make them all take home less money, so we can force the injured worker to get back to work.

What happens if that injured worker can't go back? Well, that means he has to pay his bills. House, car, clothes, food and whatever else is necessary. You know, there are a lot of ways to solve the workers compensation system. Apparently, no one has found the answers to it. A lot of people are suggesting different ways. I will tell you right now, solving the workers compensation is by not passing this Bill, we are not going to be doing anything to the cost workers compensation by passing this Bill or a dozen like it.

I think all that we have to do is look back 2 years ago to realize that. We made cuts, totally millions and millions of dollars. The insurance companies have taken the State to court saying that is not the employers money, it should be ours. That should be our profit money. I think, and I have to agree with the good Senator from Aroostook, Senator Collins on the issue. I agree with the report that says that the Maine workers compensation system is a problem. I think it is going to take a lot of creativity than passing Bills like this, to solve it. You know, 2 years ago, a lot of us asked people, who generally support us, to bite the bullet. Now, I think it is time to ask somebody else to bite the bullet. I am talking about the businesses and industry in this State. Every time we mention the industry of this State, the next words that come out of people's mouths are "You people are hurting the business climate of this State." Well, I am sick and tired of listening to that. The only people who talk about the business climate of the State and destroy it, are the business people themselves.

We want to help the business climate of this State. It is time they wanted to start helping themselves. I think you do that by addressing the real problems of the workers comp system. Start right where the accidents are happening, that is where we should start looking at the problems. Mr. President, I move the Senate accept the Majority Report and request a Roll Call.

Senator DUTREMBLE of York moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

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

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

Senator BALDACCI: Mr. President and members of the Senate. As a business person and someone who is concerned about workers compensation, and someone who was present in the 112th Legislature, when a lot of reforms were made, I would like to have some thoughts for the 113th Senate, as it deliberates on workers compensation issues. Those reforms, the freezing of the benefit levels, the ridding of the many coordination of benefits so you couldn't be receiving unemployment, SSI disability, food stamps and not have that taken into consideration, when you were

getting your workers compensation benefit. That cost me a lot of loss of labor support. It was something that had to be done. A lot has happened since that time to the workers compensation system. I think it rests solely on the 8% that was in that Bill, that required the insurance companies to give to the employers. I think that 8% triggered a series of events which caused certain insurance companies to leave this State, which caused certain insurance companies to increase the premiums and at the same time, not to give the discounts that they were giving certain employers.

I think, until that particular issue is resolved, that all of those reforms that were made, are going to really improve the system for the worker to provide for a job, and for the employer to provide them protection against law suits from an injured worker, or someone who gets hurt.

So, I will be supporting the Majority Report, which is to basically Ought Not to Pass, because I think, for those reasons. Thank you, Mr. President.

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

Senator SEWALL: Thank you, Mr. President and members of the Senate. Having been around through most of the workers compensation battles for the past 13 years, and having dealt with this issue and issues like this, I would just like to point out that when we go home and talk with employers about the problems with workers compensation, and they say "Do something. We are really in trouble." They have been, as the good Senator from York, Senator Dutremble has mentioned, biting the bullet. A few companies that have been biting the bullet are Health-tex, Bass Shoe. People are moving out. There are not going to be jobs unless we can get this system under control. As in anything else, in running government or in running business, you have to realize that sometimes, you have to cut the costs.

Cutting the benefits is one way of cutting the costs. No one wants to do that. We would all like to make sure that if any one was hurt, got twice the pay when they were injured. We just can't do it. The businesses can't afford it. If we can't start in these small ways doing it, businesses are going to move out of the State. They are already doing it.

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

Senator DUTREMBLE: Mr. President. One further comment. I do want to clear up one thing that the Senator from Lincoln, Senator Sewall said. I would not ever agree to give the injured worker twice the pay he was getting before. I believe that is one of the reasons the system has problems and is in trouble, because of all the benefits that were given people in the past. I think what the good Senator said about the industries complaining about problems, we agree with. There is a problem. I don't think there is anybody on the Committee or in the Senate who disagrees with that statement. The question is how do we solve that problem. We addressed the benefit structure 2 years ago. That is not to say that it will never be addressed again. There may be some areas that will be addressed again, but not in the area that is not in line with other states. That is not the area we are having the problems with.

Secondly, and let's not forget this, we have to start looking at why the accidents are happening. If we stop the accident from happening in the first place, we would never have to have a workers compensation system. Obviously, that is something that is beyond our reach. There will always be accidents, but I think we could drop the number of accidents and make places safer. That would be a

good way of solving the problem of the workers compensation.

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

Senator COLLINS: Mr. President and members of the Senate. I do wish to acknowledge the leadership that has been provided by our good Senator from York, Senator Dutremble, on this issue. While I was not here in the last session, I am aware of the substantial work that was performed by his Committee. The adjustments and changes that were made to the system, that I think, are in fact, beneficial. However, having said this, I find us still in about the same position. It seems to me that there aren't many other technical areas, and many other service areas, that we can address. It seems, therefore, to me, that there isn't much left except the benefit area. I agree that Maine's accident frequency rate is not very good. As a matter of fact, it is about 13% as compared with a national average of only 8%. I concur with the good Senator from York, that that is an undesirable feature, and I think safety in the work place is important. I think that can help the system, it does in fact, occur.

Likewise, Maine's benefits, for injury are relatively high. In fact, they are well above the national average. Maine doesn't rank above the national average in terms of economic well being. It seems to me, while this may be a difficult area to address, I, unfortunately, do not see many other alternatives than to address the benefit package. Thank you, Mr. President.

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

Senator ANDREWS: Thank you, Mr. President. Mr. President, members of the Senate. When I was a kid in elementary school, we used to have an exercise called "what's wrong with this picture." You took a look at a picture and you tried to identify what was wrong. It might be a duck wearing a hat, or it might be something out of whack, but the exercise was to identify what was wrong with the picture. Well, we have an exercise here today, very similar to the exercise that I had in elementary school, and that is what is wrong with this picture. What is wrong with this debate? The problem with the debate is that we are debating symbolism. We're debating a problem, a concern, an issue that we are all worried about. We are debating it in the context of a Bill, that has nothing to do, at the very least, a very insignificant amount, or will have a very insignificant effect on the problem that we have identified with the workers compensation system. In other words, we have an issue that we are all concerned about and one that we have heard from our constituents on. We take a little Bill, it really makes no difference at all with that problem, and we take the opportunity to stand up and wax eloquent about the problems with the workers compensation system.

Debating the Bill, in a measure that is insignificant, and totally lacks any meaning at all, as far as the issue of workers compensation is concerned. Let's stop for just a minute and look at reality. Look at common sense. The common sense of this Bill. First of all, we heard in Committee, that this problem that we know about, the problem of some workers actually receiving a workers compensation benefit, more than they received in take home pay. We heard that was a very, very insignificant problem. It happens to very, very few people. The proponents of this measure could not demonstrate, at all, that it was a significant problem and a

significant cost, for employers in the workers compensation system. Number one, it is not a significant problem that we are addressing.

Secondly, the issue of competition in the Maine's workers compensation with other states, and we have heard that brought up in this floor debate. Does this Bill make Maine more competitive with other states? Well, we could go on and on, debating the symbolism of Maine's competitive edge in attracting employers to this State, but the fact is, the reality is, that we are not out of whack with other states. Forty six other states, in the country, have the identical system that we have. So, this is not going to give us the competitive edge, when you apply the test of common sense to this particular Bill.

What about the other test of common sense? What if we actually test the logic and the argument of the proponents of this Bill, in terms of reducing the costs of workers compensation for employers throughout the State of Maine? Will this Bill do that? Will this Bill meet that test? If so, and I assume by listening to this from a Committee member, that it would, to what degree? The answer, from all that we have heard from that Committee in our discussion in the public hearing would be, zero. No one could demonstrate that this Bill would make an impact on the employers workers compensation rates, in your district and in my district.

The testimony that we have heard was simply "don't count on really any, is what we heard, reduction in workers compensation rates for Maine's employers, as a result of this Bill. So, workers compensation is a concern. It is an issue. It is something that we look at every session we come up here, and something we should look at every session we come up here. The reality of the workers compensation debate, cannot be reduced by this Bill. This is not the Bill to wax eloquent about the problems and concerns of the employers about workers compensation. The time to do that is when we can take a look at the complete system, as a whole. As the good Senator from York, Senator Dutremble suggested, come up with creative solutions and approaches, that will be fair to both employees and employers. What's wrong with the debate? It doesn't address even the problem that the proponent contend that it addresses. We are, in short, not debating a Bill as we are debating symbolism. Thank you, Mr. President.

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

Senator DILLENBACK: Thank you, Mr. President. Ladies and gentlemen of the Senate. I don't profess to know a great deal about workers compensation, and I am very happy that I am not on the Labor Committee. I will tell you this. I have been in this Legislature for 7 years and I have traveled the State on our tours. I understand what the problem is in the State of Maine, and it is workers compensation. I agree with the Senator, that it may not be a large step, and it may not be an important step that you would put a great deal of effort into. But, it is a step in the right direction. You talk about this not being comparable to other states in what we are doing. On one of our tours at Boise Cascade, they told me that out of the 5 companies, the Rumford mill pays more in compensation than all their other companies combined.

Now, there is something wrong. I realize it. I also realize that this Bill may not do all that you'd like it to do, but could I go back and face the business people in my district and say that I wouldn't even support one step towards doing something for the workers compensation? My son knows

a great deal about this, he is in the insurance business in Boston. His company will not even write workers compensation insurance in the State of Maine.

Perhaps this is not the greatest thing in the world, and I do not want to do anything to hurt the working people, either, but we have to start and this is the first step forward, and I am sorry that it is going to be all on one side and all on the other side. But, I think we have to take the first step. Thank you.

Off Record Remarks

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

Senator MATTHEWS: Thank you, Mr. President. Mr. President, members of the Senate. I have to differ with the remarks with my colleague from Cumberland, Senator Dillenback, and I have to concur with the Senator from Cumberland, Senator Andrews. I guess there are a couple of questions that I would like to ask the good Senator from Aroostook, Senator Collins. If the intent of this Bill is to provide incentive for workers to go back to work and not to stay out on workers compensation, then I would ask him where is the provision in this Bill that mandates or sets up some kind of worker re-training, and where is the other provision in this Bill that says to the workers in this State, and we have had a lot of arguments on the other side about the business side, but for the workers, especially injured workers, that they will have a job once they are off the workers compensation system? I have not only traveled around the State and listened to businesses on the development tours, I have also traveled around the State and listened to injured workers. In fact, I get a call just about every night from somebody who is an injured worker, and who has been mistreated by a Guilford Industry or someone else in the business community. They are out on workers compensation and they want to go back to work. Where does this Bill address this issue?

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

A vote of Yes will be in favor of ACCEPTANCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, DOW, DUTREMBLE, ERWIN, ESTES, GAUVREAU, KANY, KERRY, MATTHEWS, PEARSON, THERIAULT, TUTTLE, TWITCHELL, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, EMERSON, GILL, GOULD, LUDWIG, MAYBURY, PERKINS, RANDALL, SEWALL, WEBSTER, WHITMORE

ABSENT: Senators None

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, the motion by Senator DUTREMBLE of York, to ACCEPT the Majority OUGHT NOT TO PASS Report, PREVAILED, in concurrence.

Senate
Ought to Pass in New Draft

Senator ESTES for the Committee on EDUCATION on Bill "An Act Relating to School Construction"

S.P. 70 L.D. 137

Reported that the same Ought to Pass in New Draft under same title.

S.P. 435 L.D. 1315

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act for Timely Construction of Water Main Extensions"

H.P. 218 L.D. 270

Bill "An Act Relating to Conferring Degrees by the University of New England in Biddeford"

H.P. 466 L.D. 633

Bill "An Act Relating to a Vocational Region as Defined by Law"

H.P. 957 L.D. 1286

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

House As Amended

Bill "An Act Concerning the Approval of Voting Devices"

H.P. 71 L.D. 74

(C "A" H-65)

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

ENACTORS

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

An Act Providing for Judicial Review of Agency Refusals to Consent to Adoptions

S.P. 62 L.D. 129

(C "A" S-28)

An Act Relating to Major Policy-influencing Positions in State Government

H.P. 175 L.D. 219

An Act Concerning Penalties for Caribou and Big Game Violations

H.P. 905 L.D. 1207

(H "A" H-62)

An Act to Amend the Bank Holding Company Law

S.P. 388 L.D. 1208

An Act to Require State Compliance with Municipal Ordinances

S.P. 399 L.D. 1239

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

Senate at Ease

Senate called to order by the President.

An Act to Strengthen the Efforts of the Maine Potato Industry and the Responsibility of the Maine Potato Board to Improve the Quality of Maine Tablestock Potatoes

H.P. 856 L.D. 1150

(S "A" S-31)

On motion by Senator MATTHEWS of Kennebec, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "B" (S-32) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Sent down for concurrence.

Emergency

An Act Concerning Snowmobile Registration Fees

H.P. 904 L.D. 1206

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act Relating to State Involvement in Inspections and Enforcement Activities of Nuclear Power Plants and Evacuation Plans"

S.P. 429 L.D. 1309

Tabled - April 21, 1987, by Senator DUTREMBLE of York.

Pending - REFERENCE

(Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Resolve, to Establish a Commission to Study the Feasibility of Constructing a 4-lane Highway from Interstate 95 to the St. John Valley

S.P. 167 L.D. 471

Tabled - April 21, 1987, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED

(In Senate, April 21, 1987, READ A SECOND TIME.)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending PASSAGE TO BE ENGROSSED.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Resolve, to Establish the Juvenile Corrections Planning Commission

H.P. 951 L.D. 1280

Tabled - April 21, 1987, by Senator DUTREMBLE of York.

Pending - REFERENCE

(Committee on JUDICIARY suggested and ORDERED PRINTED.)

(In House, April 15, 1987, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.)

Senator CLARK of Cumberland moved that the Bill be referred to the JOINT SELECT COMMITTEE ON CORRECTIONS in NON-CONCURRENCE.

On motion by Senator BUSTIN of Kennebec, Tabled 1 Legislative Day, pending the motion of Senator CLARK of Cumberland, that the Bill be referred to the JOINT SELECT COMMITTEE ON CORRECTIONS in NON-CONCURRENCE.

The Chair laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools"

H.P. 196 L.D. 248
(C "A" H-58)

Tabled - April 21, 1987, by Senator DUTREMBLE of York.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In House, April 10, 1987, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-58).)

(In Senate, April 15, 1987, READ A SECOND TIME.) On motion by Senator CLARK of Cumberland, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby Committee Amendment "A" (H-58) was ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-36) to Committee Amendment "A" (H-58) READ and ADOPTED.

Committee Amendment "A" (H-58) as Amended by Senate Amendment "A" (S-36), thereto ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act to Create Regional Detention and Evaluation Centers for the Secure Confinement of Juveniles"

H.P. 950 L.D. 1279

Tabled - April 22, 1987, by Senator CLARK of Cumberland.

Pending - REFERENCE (Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.)

(In House, April 21, 1987, referred to the JOINT SELECT COMMITTEE ON CORRECTIONS and ORDERED PRINTED.)

On motion by Senator CLARK of Cumberland, referred to the JOINT SELECT COMMITTEE ON CORRECTIONS and ORDERED PRINTED, in concurrence.

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

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate off the Record.

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

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator CAHILL of Sagadahoc, ADJOURNED until Thursday, April 23, 1987, at 9:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
53rd Legislative Day
Thursday, April 23, 1987

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

Prayer by Major Walter Douglass, Salvation Army, Augusta.

The Journal of Wednesday, April 22, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Establish an Outreach and Support Program for Head-Injured Persons" (S.P. 436) (L.D. 1316)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to State Involvement in Inspections and Enforcement Activities of Nuclear Power Plants and Evacuation Plans" (S.P. 429) (L.D. 1309)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

On motion of Representative Michaud of East Millinocket, was referred to the Committee on Human Resources in non-concurrence and sent up for concurrence.

Bill "An Act to Modify Certain Sections of the Medical Examiner Act to Control Public Dissemination of Information Placed on the Death Certificate by the Medical Examiner in Cases under Investigation by the Attorney General's Office" (S.P. 437) (L.D. 1317)

Bill "An Act to Modify Certain Sections of the Maine Criminal Code" (S.P. 438) (L.D. 1318)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Were referred to the Committee on Judiciary in concurrence.

Non-Concurrent Matter

Bill "An Act to Aid in Enforcement of Child Support Payments" (H.P. 258) (L.D. 341) on which the Minority "Ought to Pass" in New Draft (H.P. 958) (L.D. 1287) Report of the Committee on Judiciary was Read and Accepted and the New Draft Passed to be Engrossed in the House on April 21, 1987.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Judiciary Report Read and Accepted in non-concurrence.

On motion of Representative Paradis of Augusta, the House voted to insist.

Non-Concurrent Matter

An Act to Strengthen the Efforts of the Maine Potato Industry and the Responsibility of the Maine Potato Board to Improve the Quality of Maine Tablestock Potatoes (H.P. 856) (L.D. 1150) (S. "A" S-31) which was Passed to be Enacted in the House on April 21, 1987.