

MAINE STATE LEGISLATURE

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

VOLUME III

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

In Senate Chamber
Wednesday
October 21, 1987

In Compliance with a proclamation of His Excellency, Governor JOHN R. MCKERNAN, JR., the Senators will convene in the Senate Chamber.
Senate called to Order by the President.

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR BERUBE: I will repeat a prayer that was said before because I think, in my mind, it says it all.

"And someone asked him a question. Teacher, which is the greatest Commandment in the law? And he said to Him, you shall love the Lord with all your soul and with all your mind. This is the great and First Commandment. And the second is like It. You shall love your neighbor as yourself. On these two depend all laws." Amen.

The Secretary will read the Proclamation.

State of Maine
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of the State's fundamental social and economic obligation to protect its workers; and

WHEREAS, there is a statutory requirement that all employers in the State provide workers' compensation coverage; and

WHEREAS, most, if not all, of the insurance carriers writing workers' compensation insurance in Maine are withdrawing from the business; and

WHEREAS, comprehensive legislative reform is the only possibility for saving the private insurance market for workers' compensation, without which employers cannot operate;

WHEREAS, a public hearing has been scheduled in conflict with the convening hour set forth in my October 2nd proclamation;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, do hereby convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Wednesday, the twenty-first (21st) day of October, 1987 at nine (9) o'clock in the morning, in order to receive communications, enact legislation necessary to ensure that employers are able to meet the statutory requirement for providing workers' compensation coverage, and conduct such other legislative business as may be appropriate.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this twentieth day of October in the Year of our Lord One Thousand Nine Hundred and Eighty-Seven.

S/JOHN R. MCKERNAN, JR.
Governor

Attest: S/Rodney S. Quinn
Secretary of State

Which was READ and ORDERED PLACED ON FILE.

ROLL CALL

The Roll being called, the following Senators answered to their name:

Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRAWN, BUSTIN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GOULD, KANY, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

29 Senators having answered to the Roll, the President declared that a quorum was present.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was READ and PASSED.

The President appointed the Senator from Cumberland, Senator CLARK to deliver the message to Governor McKernan. The Sergeant-at-Arms escorted the Senator to the Governor's office.

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was READ and PASSED.

The President appointed the Senator from York, Senator DUTREMBLE to deliver the message. The Sergeant-at-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from York, Senator DUTREMBLE reported that he had delivered the message with which he was charged.

Senate at Ease
Senate called to order by the President.

At this point, a message was received from the House of Representatives borne by Representative DIAMOND of Bangor, informing the Senate that a quorum was presented for the consideration of such business as might come before the House.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 693

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 15, 1987

The Honorable Charles P. Pray
President of the Senate
113th Legislature
The Honorable John L. Martin
Speaker of the House
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on October 15, 1987 as follows:

BANKING AND INSURANCE

Bill "An Act to Reform the Process by which Insurance Rates are Established under the Maine Workers' Compensation Act" (Emergency) (S.P. 691) (L.D. 1917) (Presented by Senator COLLINS of Aroostook) (Cosponsored by: Representative WILLEY of Hampden)

LABOR

Bill "An Act to Reform the Maine Workers' Compensation Act to Assure Coverage for Maine Workers" (Emergency) (S.P. 692) (L.D. 1918) (Presented by Senator COLLINS of Aroostook) (Cosponsored by: Representative WILLEY of Hampden)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

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

ORDERS

On motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House of Representatives at 9:30 a.m. for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend the Convention and make such communication as pleases him.

Which was READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator CLARK, to deliver the message. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, Senator CLARK of Cumberland reported she had delivered the message with which she was charged.

Senate at Ease

Senate called to order by the President.

At this point, a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House of Representatives Concurs with the proposition for a Joint Convention, to be held in the Hall of the House, at 9:30 a.m., for the purpose of extending to His Excellency, Governor John R. McKernan, Jr., an invitation to attend and make such communication as pleases him.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

AFTER CONVENTION
IN SENATE

Senate called to order by the President.

At this point, the Chair excused the Senator from York, Senator Dutremble, the Senator from Cumberland, Senator Andrews and the Senator from Aroostook, Senator Collins to attend a Labor Committee hearing.

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

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator CLARK of Cumberland the following Joint Order:

S.P. 694

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business, pursuant to Article IV, Part 3, Section 12 of the Constitution.

Which was READ and PASSED.

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

At this point, the Chair noted the presence of the Senator from Cumberland, Senator Gill and the Senator from York, Senator Kerry.

Off Record Remarks

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

After Recess

Senate called to order by the President.

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BRANNIGAN of Cumberland, ADJOURNED, pursuant to the Joint Order.