

# MAINE STATE LEGISLATURE

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

**VOLUME III**

**FIRST CONFIRMATION SESSION**

August 21, 1987  
Index

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987  
Index

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987  
Index

**SECOND REGULAR SESSION**

January 6, 1988 to March 24, 1988

(Off Record Remarks)

On motion of Representative Michaud of East Millinocket,  
Adjourned until Friday, November 20, 1987, at ten o'clock in the morning.

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

In Senate Chamber,  
Thursday  
November 19, 1987  
Senate called to Order by the President.

Prayer by the Honorable Beverly Miner Bustin of Kennebec.

SENATOR BUSTIN: This is a saying from Max Eastman. "A simple experiment will distinguish two types of human nature. Gather a throng of people and pour them into a fairy boat. By the time the boat swings into the river you will find that a certain proportion have taken the trouble to climb upstairs in order to be out on deck and see what is to be seen as they cross over. The rest have settled indoors to think what they will do upon reaching the other side, or perhaps lose themselves in apathy or tobacco smoke. But leaving out apathetic or addicted to a single enjoyment, we may divide all the alert passengers on the boat into two classes; those who are interested in crossing the river, and those who are merely interested in getting across."

Let us pray. Lord make me an instrument of Thy peace where there is hatred. Let me so love where there is injury. Pardon where there is doubt. Where there is despair, hope. Where there is darkness, light and where there is sadness, joy. Oh divine Master, grant that I may not so much seek to be consoled as to console. To be understood as to understand. To be loved as to love. For it is in giving that we receive. It is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. Amen.

Reading of the Journal of Wednesday, October 21, 1987.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 696

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

October 21, 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 one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 21, 1987 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "AN ACT Concerning the Commission to Implement the Computerization of Criminal History Record Information" (Emergency) (S.P. 695)(L.D. 1920)(Presented by Senator BRANNIGAN of Cumberland)(Cosponsored by: Representative PARADIS of Augusta, Senator SEWALL of Lincoln) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 26).

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.

The Following Communication: S.P. 698  
SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333  
November 13, 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 one bill was  
received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this  
bill was referred to the Joint Standing Committee and  
ordered printed on November 13, 1987 as follows:

LEGAL AFFAIRS Bill "An Act Related  
to the Members Pool in the Tri-State Lottery" (S.P.  
697) (L.D. 1922) (Presented by President PRAY of  
Penobscot) (Cosponsored by: Representative JALBERT  
of Lisbon) (Approved for Introduction by a Majority  
of the Legislative Council pursuant to Joint Rule 26)

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.

The Following Communication:  
STATE OF MAINE  
PUBLIC UTILITIES COMMISSION  
242 STATE STREET  
STATE HOUSE STATION 18  
AUGUSTA, MAINE 04333  
November 2, 1987

Honorable Charles P. Pray  
President of the Senate  
State House Station 3  
Augusta, Maine 04333-0003

Re: Study of Electric Power Transmission and  
Purchases (1987 Update)

Dear President Pray:

Pursuant to Section 5 of Chapter 123 of the Public  
Laws of 1987, the Public Utilities Commission submits  
herewith its report on developments subsequent to its  
1986 Study of Electric Power Transmission Power and  
Purchases, i.e. the 1987 Update. The Commission  
appreciates the opportunity to be of assistance in  
the State's consideration of these important energy  
issues. If you have any questions or comments  
concerning the report or this subject matter in  
general, we will be pleased to receive them.

Sincerely,  
S/Joseph G. Donahue  
General Counsel

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

The Following Communication:

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
BUREAU OF INSURANCE  
STATE HOUSE STATION 34  
AUGUSTA, MAINE 04333

October 22, 1987

Ms. Joy J. O'Brien  
Senate Office  
State House Station #3  
Augusta, Maine 04333

Dear Ms. O'Brien:

Enclosed is the final report on the State of  
Competition in the Workers' Compensation Insurance  
Market as required by Section 2335, subsection 5 of  
Title 24-A, M.R.S.A.

Sincerely yours,  
S/Joseph A. Edwards  
Superintendent

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

The Following Communication:  
EXECUTIVE DEPARTMENT  
OFFICE OF ENERGY RESOURCES  
STATE HOUSE STATION 53  
AUGUSTA, MAINE 04333  
October 30, 1987

The Honorable Charles P. Pray  
President of the Senate of Maine  
State House Station #3  
Augusta, Maine 04333

Dear President Pray:

I am pleased to submit to you the 1987 State of Maine  
Energy Resources Plan. This report has been prepared  
and is presented pursuant to 5 M.R.S.A. Section 5005.

Respectfully,  
S/Harvey E. DeVane  
Director

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

The Following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333  
November 2, 1987

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

Dear Senator Pray:

This is to inform you that I am today nominating  
David S. Wakelin of Cape Elizabeth for appointment to  
the Maine State Retirement System Board of Trustees.  
Pursuant to Title 5, M.R.S.A. Section 1031, this  
nomination will require review by the Joint Standing  
Committee on Aging, Retirement and Veterans and  
confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333  
November 2, 1987

Senator Georgette B. Berube  
Representative Daniel B. Hickey

Chairpersons  
Joint Standing Committee on Aging, Retirement and Veterans  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated David S. Wakelin of Cape Elizabeth for appointment to the Maine State Retirement System Board of Trustees.

Pursuant to Title 5, M.R.S.A. Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication:  
COMMITTEE ON AGING, RETIREMENT AND VETERANS  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
November 16, 1987

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Aging, Retirement and Veterans has had under consideration the nomination of David Wakelin of Cape Elizabeth, for appointment to the Maine State Retirement System Board of Trustees.

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

YEAS: Senators 2  
Representatives 7

NAYS: 0

ABSENT: 4 Sen. Clark of Cumberland, Rep. Dutremble of Biddeford, Rep. Stevenson of Unity, Rep. Matthews of Caribou

Nine 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 David Wakelin of Cape Elizabeth, for appointment to the Maine State Retirement System Board of Trustees be confirmed.

Sincerely,  
S/Georgette Berube  
Senate Chair  
S/Daniel Hickey  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGING, RETIREMENT AND VETERANS has recommended the nomination of David Wakelin of Cape Elizabeth, for appointment to the Maine State Retirement System Board of Trustees be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on AGING, RETIREMENT AND VETERANS be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators GAUVREAU, KERRY

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of David Wakelin for appointment to the Maine State Retirement System Board of Trustees, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333  
November 2, 1987

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

This is to inform you that I am today nominating Margaret M. Roy of Cornish for appointment to the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333  
November 2, 1987

Senator Ronald E. Usher  
Representative Michael H. Michaud  
Chairpersons  
Joint Standing Committee on Energy and Natural Resources  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Margaret M. Roy of Cornish for appointment to the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 361, this nomination will require review by the Joint Standing

LEGISLATIVE RECORD - SENATE, NOVEMBER 19, 1987

Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 4, 1987

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

Dear Senator Pray:

This is to inform you that I am today nominating Rosalyn Bernstein of Portland for appointment to the Health Care Finance Commission.

Pursuant to Title 22, M.R.S.A. Section 383, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 4, 1987

Senator N. Paul Gauvreau  
Representative Peter J. Manning  
Chairpersons  
Joint Standing Committee on Human Resources  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Rosalyn Bernstein of Portland for appointment to the Health Care Finance Commission.

Pursuant to Title 22, M.R.S.A. Section 383, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON HUMAN RESOURCES  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

November 17, 1987

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Human Resources has had under consideration the nomination of Rosalyn Bernstein of Portland, for appointment to the Health Care Finance Commission.

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

YEAS: Senators 3  
Representatives 10

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Rosalyn Bernstein of Portland, for appointment to the Health Care Finance Commission be confirmed.

Sincerely,  
S/Paul N. Gauvreau  
Senate Chair  
S/Peter J. Manning  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on HUMAN RESOURCES has recommended the nomination of Rosalyn Bernstein of Portland, for appointment to the Health Care Finance Commission be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 2, 1987

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

This is to inform you that I am today nominating John C. Sheldon of Farmington for appointment as Judge of the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate. Thank you for your assistance in this matter.

Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 2, 1987

Senator Joseph C. Brannigan  
Representative Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated John C. Sheldon of Farmington for appointment as Judge of the Maine District Court.

Pursuant to Title 4, M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON JUDICIARY  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

November 16, 1987

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of John C. Sheldon of Farmington, for appointment as Judge of the Maine District Court.

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

YEAS: Senators 3  
Representatives 8  
NAYS: 0  
ABSENT: 2 Rep. Conley of Portland, Rep. Cote of Auburn.

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 John C. Sheldon of Farmington, for appointment as Judge of the Maine District Court be confirmed.

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of John C. Sheldon of Farmington be confirmed.

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

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

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

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

Is the Senate ready for the question?  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators GAUVREAU, KERRY

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of John C. Sheldon for appointment as Judge of the Maine District Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 2, 1987

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

This is to inform you that I am today nominating Peter Dawson of Augusta for appointment as an alternate member of the Maine Labor Relations Board. Pursuant to Title 26, M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Thank you for your assistance in this matter.  
Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 2, 1987

Senator Dennis L. Dutremble  
Representative Edward A. McHenry  
Chairpersons  
Joint Standing Committee on Labor  
113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Peter Dawson of Augusta for appointment as an alternate member of the Maine Labor Relations Board.

Pursuant to Title 26, M.R.S.A. Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
COMMITTEE ON LABOR  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
November 17, 1987

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Peter Dawson of Augusta, for appointment as an alternate member of the Maine Labor Relations Board.

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

YEAS: Senators 3  
Representatives 9  
NAYS: 0  
ABSENT: 1 Rep. Rand of Portland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Peter Dawson, for appointment as an alternate member of the Maine Labor Relations Board be confirmed.

Sincerely,  
S/Dennis L. Dutremble  
Senate Chair  
S/Edward A. McHenry  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LABOR has recommended the nomination of Peter Dawson of Augusta, for appointment as an alternate member of the Maine Labor Relations Board be confirmed.

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

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

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

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

Is the Senate ready for the question?  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None  
NAYS: Senators ANDREWS, BALDACCI, BERUBE,  
BLACK, BRANNIGAN, BRAWN, BUSTIN,  
CAHILL, CLARK, COLLINS, DILLENBACK,  
DOW, DUTREMBLE, EMERSON, ERWIN,  
ESTES,

GILL, GOULD, KANY, LUDWIG, MATTHEWS,  
MAYBURY, PEARSON, PERKINS, RANDALL,  
SEWALL, THERIAULT, TUTTLE,  
TWITCHELL,  
USHER, WEBSTER, WHITMORE, THE  
PRESIDENT - CHARLES P. PRAY

ABSENT: Senators GAUVREAU, KERRY

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent and None being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Peter Dawson for appointment as an alternate member of the Maine Labor Relations Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333  
November 2, 1987

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

This is to inform you that I am today nominating Earle L. Ingalls of Yarmouth for appointment to the Maine State Liquor Commission.

Pursuant to Title 28, M.R.S.A. Section 52, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333  
November 2, 1987

Senator Judy C. Kany  
Representative Charles R. Priest  
Chairpersons  
Joint Standing Committee on Legal Affairs  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Earle L. Ingalls of Yarmouth for appointment to the Maine State Liquor Commission.

Pursuant to Title 28, M.R.S.A. Section 52, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
COMMITTEE ON LEGAL AFFAIRS  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
November 12, 1987

The Honorable Charles P. Pray



President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on Legal Affairs has had under consideration the nomination of Earle L. Ingalls of Yarmouth, for appointment to the Maine State Liquor Commission.

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

YEAS: Senators 2  
Representatives 7

NAYS: 0

ABSENT: 4 Sen. Estes of York, Rep. Martin of Van Buren, Rep. Stevenson of Unity, Rep. Tupper of Orrington

Nine 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 Earle L. Ingalls of Yarmouth, for appointment to the Maine State Liquor Commission be confirmed.

Sincerely,  
S/Judy C. Kany  
Senate Chair  
S/Rep. Charles R. Priest  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on LEGAL AFFAIRS has recommended the nomination of Earle L. Ingalls of Yarmouth, for appointment to the Maine State Liquor Commission be confirmed.

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

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

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

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

Is the Senate ready for the question?  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators GAUVREAU, KERRY

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

The Secretary has so informed the Speaker of the House.

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 2, 1987

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

This is to inform you that I am today nominating Tobey B. Hammond of Naples for appointment to the Natural Resources Financing and Marketing Board. Pursuant to Title 10, M.R.S.A. Section 985, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333

November 2, 1987

Senator John L. Tuttle, Jr.  
Representative Donnell P. Carroll  
Chairpersons  
Joint Standing Committee on State and Local Government  
113th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Tobey B. Hammond of Naples for appointment to the Natural Resources Financing and Marketing Board.

Pursuant to Title 10, M.R.S.A. Section 985, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 2, 1987

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

This is to inform you that I am today nominating B.M. Van Note of Bath for appointment to the Maine Housing Authority and Gloria Tardif of Augusta for reappointment to the Maine State Housing Authority. Pursuant to Title 30, M.R.S.A. Section 4602, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE  
OFFICE OF THE SECRETARY  
AUGUSTA, MAINE 04333  
November 2, 1987

Senator John L. Tuttle, Jr.  
Representative Donnell P. Carroll  
Chairpersons  
Joint Standing Committee on State and Local Government  
113th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated B.M. Van Note of Bath for appointment to the Maine State Housing Authority and Gloria Tardif of Augusta for reappointment to the Maine State Housing Authority.

Pursuant to Title 30, M.R.S.A. Section 4602, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

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

Which was READ and ORDERED PLACED ON FILE.

Senate at Ease  
Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON STATE AND LOCAL GOVERNMENT  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
November 18, 1987

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Tobey B. Hammond of Naples, for appointment to the Natural Resources Financing and Marketing Board.

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

YEAS: Senators 3  
Representatives 9  
NAYS: 0  
ABSENT: 1 Rep. Lacroix of Oakland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Tobey B. Hammond, for appointment to the Natural Resources Financing and Marketing Board be confirmed.

Sincerely,  
S/John L. Tuttle, Jr.  
Senate Chair  
S/Donnell P. Carroll  
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Tobey B. Hammond of Naples, for appointment to the Natural Resources Financing and Marketing Board be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators GAUVREAU, KERRY

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Tobey B. Hammond for appointment to the Natural Resources Financing and Marketing Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATION

The Following Communication:

COMMITTEE ON STATE AND LOCAL GOVERNMENT  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
November 18, 1987

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 113th Maine Legislature, the Joint Standing Committee on State and Local Government has had under consideration the nomination of Gloria Tardif of Augusta, for reappointment to the Maine State Housing Authority.

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

YEAS: Senators 3  
Representatives 9  
NAYS: 0  
ABSENT: 1 Rep. Lacroix of Oakland

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gloria Tardif of Augusta, for reappointment to the Maine State Housing Authority be confirmed.

Sincerely,  
S/John L. Tuttle, Jr.  
Senate Chair  
S/Donnell P. Carroll  
House Chair

The Following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

October 22, 1987

TO: The Honorable Members of the 113th Maine  
Legislature:

I am returning, without my signature or approval, S.P. 685 - LD 1914, "AN ACT to Amend the Insurance Law Relating to the Type of Coverage Provided By Insurance Carriers." This bill, in my judgment, further exacerbates rather than mitigates the workers' compensation insurance crisis.

This legislation attempts to forestall the impending cessation of insurance coverage in the workers' compensation area by forcing all insurance companies to forfeit their right to sell insurance of any type in Maine if they do not offer workers' compensation insurance and if such company has the authority to write this insurance elsewhere. While I sympathize with this legislative attempt to prevent the loss of this coverage, the means by which this bill purports to reach that end is neither fair nor rational. Moreover, and perhaps more importantly, this legislation will not, in my opinion, accomplish its purpose.

I cannot accept legislation, however well intended, that handcuffs Maine's entire insurance industry, especially if that industry - as well as the public at large - has not been afforded an opportunity to be heard. I am confident that had this bill been referred to committee and had a hearing been scheduled, rather than ushered through a one-day introduction and enactment timetable, its deficiencies would have been demonstrated clearly during the legislative process. While the public should always be afforded the opportunity to voice its opinion on all pending legislation, such an opportunity becomes critical when a bill as far-reaching as this is preferred.

Issues such as the prospective increased costs of other types of insurance coverage to offset the losses incurred by companies forced to write workers' compensation insurance, as well as the possible back-breaking financial burden imposed upon our smaller carriers, would undoubtedly have been voiced if the opportunity had been afforded.

In addition to my objection to the manner by which this bill was enacted, I also object to the manner by which this bill seeks to accomplish its purported objective. This bill does not address the problem. It is, in point of fact, a "cure" that is worse than the underlying disease. Rather than diminish the workers' compensation insurance crisis, by effectively barring the doors for our insurance carriers this bill spreads the "disease" - the millions of dollars of losses - among virtually all carriers and to virtually all types of coverage. I cannot accept legislation which creates more problems than it solves.

As you know, I have initiated legislation which will, in my judgment, take several important steps towards resolving the workers' compensation insurance crisis. I hope to continue to work with all of you to enact meaningful legislation to cure this disease. Let us correct the ills within the system rather than enact short-term measures with potentially disastrous consequences.

For the foregoing reasons, I respectfully request that you sustain my veto of L.D. 1914.

Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE AND LOCAL GOVERNMENT has recommended the nomination of Gloria Tardif of Augusta, for reappointment to the Maine State Housing Authority be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on STATE AND LOCAL GOVERNMENT be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators GAUVREAU, KERRY

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Gloria Tardif, for reappointment to the Maine State Housing Authority was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

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

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Motor Vehicle Financial Responsibility Law" (Emergency)

H.P. 1418 L.D. 1923

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED in NON-CONCURRENCE.

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

The Accompanying Bill "An Act to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers"

S.P. 685 L.D. 1914  
(H "A" H-426 to H "A" H-422)

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Reform the Maine Workers' Compensation Act to Assure Coverage for Maine Workers" (Emergency)

S.P. 692 L.D. 1918

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

S.P. 703 L.D. 1928

Signed:

Senators:

DUTREMBLE of York  
COLLINS of Aroostook

Representatives:

HALE of Sanford  
WILLEY of Hampden  
TAMMARO of Baileyville  
RUHLIN of Brewer  
ZIRNKILTON of Mount Desert  
HEPBURN of Skowhegan  
BEGLEY of Waldoboro  
JOSEPH of Waterville

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

Signed:

Senators:

ANDREWS of Cumberland

Representatives:

RAND of Portland  
MCHENRY of Madawaska

Which Reports were READ.

Senator DUTREMBLE of York moved that the Senate ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report.

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. I have enjoyed working with my colleague from York, Senator Dutremble and his leadership as well as my colleague from Aroostook, Senator Collins. I have great respect for Senator Dutremble and Senator Collins and I continue to enjoy working with them on the Labor Committee.

If you look at this Bill you will find some very positive things. The Bill takes on some major problems that disabled people, particularly those who have suffered injuries at the workplace, have in getting back to work. Workplace discrimination, discrimination of employers against those who have been on workers' compensation whether they are disabled or not. The age old problem, I am sure you have heard it from your constituents, I have certainly heard it from mine. They indicate on their application that they filed a workers' compensation claim and somehow or other they are passed over for the job. Replacing discrimination on the basis of one being on the Workers' Compensation System into the hands of the Human Rights Commission and into the section of law called the Human Rights Act. That branch of our state government that has teeth and has the resources and the skills to fair out

discrimination on the basis of such things as sex, age or disability discrimination will be going to work to deal with problems faced by those who are discriminated against by virtue of having filed workers' compensation claims.

Reinstatement rights. A requirement for employers to reinstate workers who have been injured on the job and where there is an available position for them. The requirement for those employers to make reasonable accommodation to bring those employees back into the workplace. There are some cost saving measures in here which I support. I think it is important and I want to lay it right on the table that it was important that we, as a Legislature, balance this system and look for cost savings and efficiencies wherever we could find them and institute those cost savings into law. We have the provision in this law that says that if you are disabled as a result of a workplace injury and you can be rehabilitated, it says that you should be rehabilitated. I think that is tough, but that is fair. If you can be re-trained, you should be re-trained. You shouldn't be sitting back receiving workers' compensation benefits if you can get back on the job and it balances that off by saying that the worker has the right to receive re-training and to get back to the greatest capacity of work in terms of earning capacity that the person can.

Cost savings. It is tough, but it is fair. I support it. Cost savings by preventing injuries from occurring in the first place. There are some elements in this legislation as well. It doesn't go far enough, but what is there we should support and I do. Maine is a very dangerous place to work. If you look at other states, and I am sure we will be hearing comparisons to other states, but one of the most important comparisons we can make is the comparison with workplace safety and the fact that our workers are being injured at rates higher than any other place in this country. Our workplaces are dangerous. They are unsafe. We have got to do something about it and I am sure everyone in this Chamber had a similar reaction to my reaction when the Bath Iron Works Corporation a few weeks ago was fined 4.2 million dollars for basic violations of occupational safety and health administration rules. The largest fine ever faced by a corporation in the United States. I just wonder that if O.S.H.A. had the tools and the capacity to inspect all of our work sites how many other fines we would have. If you look at the Banking and Insurance Committee's work and you see the good hard work that they did, you will find elements in that package that certainly helps us in that way by making it more costly for having a dangerous workplace. We have given the Department of Labor a role in workplace safety asking them to be of assistance to O.S.H.A. in identifying violations of workplace safety. When I looked at my criteria for cost savings and efficiencies in bringing the system back into line, I had a couple of major priorities or major foundations that had to be met. Criteria had to be met in order for me to support it. First of all, I thought that we should consider any fair and reasonable cost saving measure. We should consider it seriously and thoroughly. Secondly, that we should reject any cost saving measure that arbitrarily and unfairly hurts Maine workers. There are a couple of measures in this Bill that I feel particularly fail to meet that test and are two of the major reasons why I am on the Minority Report.

The first is in our definition of total incapacity. That definition is critical, ladies and gentlemen, because if you are totally incapacitated

according to this system it means that you are entitled to lifetime workers' compensation benefits. There is nothing radical about that idea. It is sound. And when Governor McKernan addressed the Joint Convention initiating this process, he made it very clear that he was concerned about those people who are totally disabled and he made it totally clear that it was a priority for him that those totally disabled people be protected. But what happened? We had before us a piece of legislation that established a novel way of defining total incapacity. It was a concept called whole body. The whole body concept looked at an individual not in terms of time or place, it didn't consider their age, it looked at an abstract body and assigned different percentages and different values to different parts of the body. And so, if you had a disability in any one of those areas, regardless of what the circumstances were around you, that was what determined whether or not you were totally disabled. As we heard from the Superintendent of Insurance, it was clean in his words and efficient and it did the job. He was right. It was clean, efficient and it did the job that it was intended to do. The problem was that you found severely disabled people who could not go back to work in this state who were no longer defined as totally disabled. Individuals that any reasonable person in this Chamber or outside this Chamber considered totally disabled not fitting that definition and going into the category of partially disabled and moving under the regulations and rules of that category. Well, we took that problem up. Some of us debated vigorously on that point and we made some changes. While I think the change we made improves the original standard of the Bill, it simply does not go far enough to meet the basic test of fairness because there are people in this state who are severely disabled and cannot work because of that disability who will not be defined as totally disabled under this piece of legislation before us.

Right now under the current system, there are two questions you have to ask in determining ones total disability. The first question is, is that person capable of full-time work? And if the answer to that question is yes, you ask is that work available in or near that persons community? If the answer to the first and second question is yes, then the person is not totally disabled. But if it is no, the person is totally disabled. The new definition that we have before us asks is that person capable of full-time work, any full-time work in the State of Maine. Anywhere in the State of Maine regardless if the job is available or not. You could be way up in the Maine woods hurt, severely hurt and find that there is a job that you might be able to do on the other end of the State and even if that job isn't available to you, even if there is no way you would be able to take that job because there are too many people waiting in line to fill that job or the job is in a location that is totally inaccessible to you, all there has to be is a job out there that you could do whether it is available or not. If that is the case, you are not considered totally disabled under this legislation. So in short, it fails to meet that basic test of fairness because people who you and I would consider totally disabled clearly, would not be considered totally disabled according to this legislation.

The second major area that I had a problem with was the whole issue of wage loss compensation. I support the notion that if someone is disabled and can work or can be re-trained that that person should be re-trained. It should be mandatory. But let's take a person who is hurt making six hundred dollars

per week and goes through a re-training process. Because of their background or because of that persons particular situation, the only job that person can get with the best of re-training is a job that pays three hundred dollars per week. He is going from working in the woods as a wood cutter and he is going to be a key punch operator in Portland. He has gone from six hundred dollars per week to three hundred dollars per week. The current system says that if you are substantially hurt on the job and it substantially reduces your capacity to earn a living, to pay the bills in the way you did before and it wasn't your fault, it might have even been the negligence of your employer, you deserve some kind of compensation to make up the difference between what you are able to make and what you were making. Two thirds of that difference. That is fair ladies and gentlemen of the Senate. That is fair.

The proposal that we have before us today eliminates that provision so that the person who conscientiously is re-trained and goes back into re-training, moves to Portland, earns three hundred dollars per week, that person will be compensated for two-thirds of the difference for six months and then that person is cut off forever from that kind of compensation. Remember the person can't sue that employer even if the employer is negligent. So I, ladies and gentlemen of the Senate, do not believe that this is fair. Now you might be sitting there thinking to yourself fine, if it's not fair, but the system is in trouble, the system needs to be balanced, we have got to do some things that we may not like but we have got to do them. We ask that question in the Labor Committee continually. We asked ourselves is there anyway that we can find other cost savings in this system that can help out this problem and hopefully rectify this problem by minimizing these particularly bad cuts, onerous cuts in benefits. Have we fully pursued them and have we calculated them in. The answer to that question is no. The Banking and Insurance Committee that you will be hearing from later and our Committee found ways that we could prevent injuries, incentives that we could bring people back into the workplace, a variety of measures both in the Bill and not. And when we said to the Superintendent of Insurance what kind of savings is this generating for our system? What kind of reduction in benefits are we looking at now? What kind of onerous, painful, unfair cuts can we stop and prevent by some of these other cost saving measures? The answer is always the same. It doesn't matter what the efficiencies are, it doesn't matter how you write the system, it doesn't matter how less expensive it is for the insurance companies in this state to run. We want our sixty-five points of benefit cuts. We heard lots of testimony that would make many of us believe that there are other savings that could have been generated without making the benefits cuts that we are being asked to make. Assumptions on earnings for example. Insurance companies as we all know are financial institutions. They make money by spending, using and investing their money. It is a major part of their business.

What kind of assumptions can we make about earnings on those investments? Judge Alexander in the court case on Workers' Compensation months ago said a reasonable expectation is eight to nine percent. Well the assumption in this Bill is that the reasonable expectation for earnings is five percent, five percent. I make more on my C.D. just one individual. We are talking about a large financial institution, several large financial institutions and we are assuming five percent. An independent actuary told us that seven percent was

more realistic. A seven percent return was fair. Well if we were to use for example a seven percent return on investment as an assumption as opposed to the five percent on return that is on the model that we base these cuts on, we would save twenty rating points ladies and gentlemen on a basic difference of assumption like that according to this independent financial analyst.

We are going to hear later on about savings that the Banking and Insurance Committee generated for us. Reductions in the cost of servicing residual accounts for example, the residual market. Savings that could produce up to five or even ten rating points we heard from independent actuaries. Retrospective ratings, mandatory deductibles, several provisions that provide cost savings and only a fraction of those savings being reflected in the legislation that we have before us. So did we thoroughly examine all the assumptions and did we incorporate all the cost saving measures that would have prevented us from passing on onerous cuts, unfair cuts in workers' compensation benefits? To me and for me, the evidence speaks for itself, no. What about other alternatives that we could have considered that could cut the cost of this system without unfairly reducing these benefits. Did we thoroughly examine them? I don't think so. We had mentioned to us and we discussed briefly, it is not in the package and I think that is unfortunate, a proposal that says that if someone is injured because of the flagrant and willful neglect of an employer, if it can be demonstrated and proven that that employer was willful in the neglect which led to that persons injury, then that person should have the right to sue that individual. Tort liability it is called. To me that was particularly attractive not only because of the cuts that we were making that were cutting people off so unfairly at no fault of their own, but because it could be a way to prevent these businesses from hurting Maine workers. We have nice education programs and information programs in this Bill. We had them in 1985 and they are wonderful, but they are not going to do a bit of good or make a bit of difference to someone who is unscrupulous. Before you lead a horse to water you have to make sure the horse is thirsty and if the person doesn't want to hear about safety and healthy, clean workplaces, all the information in the world you give them is not going to make a bit of difference. So if you can't impel them with reason and resources, you compel them by hanging over the head the idea that they are going to have to face the music if they are guilty of willfully hurting their workers. Perhaps we could clean up some of the dirtiest most unsafe workplaces in this state. That provision is not in this piece of legislation.

Some people might be surprised to hear me say this, but as I reviewed this Bill which we just received late yesterday and I looked it over last night and this morning and there are other cost saving measures, benefit reductions that I think we could pursue that we didn't pursue in this Bill as alternatives to some of the more onerous provisions that we are talking about. For example, under total disability I gave you the standard of how you are determined to be totally disabled and I told you my problem is that someone could be for all intense and practical purpose functionally disabled and still not be considered disabled according to this law. Well, there is a section in this law called presumption. It is right under subsection 3 under Compensation for Total Incapacity and if you look in that chapter you see a series of things, a series of items. And if you do fall into one of these categories, you are

presumed to be totally disabled. I know people who we are presuming to be totally disabled who are making twice the amount of money per week that I am. People in this category even though they have a solid shot at working and a great opportunity at working who might even be working, that person is covered as totally disabled, but the person who is functionally disabled and totally unable to go to work isn't. That is the irony here. That is the unfairness here in this legislation. I think that there are alternatives, I think that there is a better way and I think that the cuts in those areas are unfair. Ladies and gentlemen of the Senate, if there is any way that we can reasonably and fairly bring this system into line without making those kind of unfair cuts, why can't we do it? I am not saying bury our heads in the sand. I am not saying to just recite slogans. I am not saying to ignore the problem. But I am saying to turn to the insurance companies who gave us the sixty-five point ultimatum. The insurance companies that have the gun barrel to our head. Face right smack dab in the eye the corporate blackmailers who are facing this Legislature and tell them we are willing to write the system, we are willing to make it fair, we are willing to create the balance necessary for you to do business in this state. And here is a fair, honest, workable package that you can do it with. Even though we may not make all of the sixty-five benefit cut points, because we are providing a fair, workable system we have met our responsibility and I sincerely believe that the gun barrel will be off of our heads. It is tough to be a hostage. It is tough to face this kind of situation when you are told it doesn't matter what you do, you have to meet their demands no matter how reasonable your steps are. Let's be responsible, let's write the system, but let's do it fairly. Thank you.

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

Senator COLLINS: Mr. President and Members of the Senate. I have had the rather dubious honor during the last five weeks of serving on two committees in the legislature; the Labor Committee and the Committee on Banking and Insurance. I also serve on the Select Committee Studying Workers' Compensation. If anybody has had a course in the subject matter from various viewpoints, I think I must qualify. I, too, am pleased to have worked with our Chairman, Senator Dutremble and my colleague, Senator Andrews during the last several weeks and I can assure you that we have worked hard and long.

It seems to me that while the Senator from Cumberland, Senator Andrews makes some telling points and in fact does point out some draw backs perhaps to our proposal before us today, it seems to me that the overriding concern that all of us must share is the fact that insurance companies that write workers' compensation insurance, ladies and gentlemen, that our employees will not be covered at that time unless we make some dramatic and substantial changes in the law. This Bill in fact does this. The good Senator is correct in his analysis of the benefit changes. We have made some. They are reductions. The thing that I would like to point out very clearly to you is that in spite of those benefit reductions, Maine will remain well above the average with respect to the rest of the country in benefits under this type of program. In fact, while I haven't computed it, I think we will remain in the upper 20 percentile. It seems to me that the overriding consideration in the legislation before us is that we must and I repeat must, have this type of coverage. With respect to some of the other matters, I would like to point out that premiums in Maine are estimated at about one

hundred and eighty million dollars. The cost of the system is estimated at three hundred and sixty million dollars. Now it isn't very difficult for one to realize why insurance companies under that type of condition are no longer interested in doing business in the State of Maine. As you know, the Administration acquired some expert advice on this matter. They were told to determine objectively what was wrong with the system in the State of Maine. I am convinced that they have done that. They have told us that our benefits are too high. They did arrive at a point system that suggested we needed to obtain at least sixty-five premium point equivalents in order to get our system back on the road. Ladies and gentlemen let me remind you that that still leaves a discrepancy that has to come from some place else. Those of you who are in the business world, I am sure are aware that that means likely premium increases.

I think we ought to also consider that the self insured companies and the group self insured in the State of Maine, their numbers which we analyze very carefully, support the thesis that benefits are indeed extremely high. Most of the self insured companies in Maine are paper companies and our larger industries within the State and they don't use an insurance company vehicle to handle their workers' compensation. What they do in fact is pay the bills according to the law and the Workers' Compensation Commission orders. So their numbers suggest that they operate at a higher cost level in the State of Maine than they do in any other state. Further, I would suggest to you that the Maine Municipal Association which is self insured but reinsured because they don't have the resources to completely insure themselves, that their numbers also indicate the same thing. So those of you who suggest that perhaps the insurance companies are hood winking us ought to bear these things in mind because I am sure that all of us have a great deal of respect for example for the Maine Municipal Association. So I call that to your attention when you are considering this issue.

My good friend the Senator from Cumberland, Senator Andrews has noted briefly that the Bill does do many things which he supports and I am pleased to support a number of those things too. For example, we have reestablished a commission on safety in the workplace. We have provided for eventually a very substantial rehabilitation and re-training program which would go a great deal of the way towards putting people back to work after they are injured and I am optimistic that these things will help a great deal in the total package. I am pleased today to support the Chairman of our good Committee in supporting this proposal which I think is a necessity, a must for Maine and for now. Thank you Mr. President.

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

Senator BUSTIN: Thank you Mr. President, Men and Women of the Senate. I hadn't meant to speak on this particular Bill. I obviously would be speaking on the Banking and Insurance Bill, but because we don't have that many opponents, I feel enticed to do that. I couldn't concur more with what the good Senator from Cumberland, Senator Andrews, has said. I would like to reiterate and build on those. It makes me sad to realize that what we are really talking about is the quality of people's lives and we are talking about the quality of people's lives who have given their eight hours a day or ten hours or twelve hours or whatever it is, their forty hours per week to a business so that we as Americans, we as a society can

sustain our way of life. They have given that willingly, they have received just compensation in most instances for that. But in some instances, especially in the high risk businesses they are putting their lives on the line every day. Let's not forget that is what we are talking about. I don't believe as I look around this room and as I look around the people sitting in back of me and on the side of me a good many of them employers, that any one of them do not want to justly compensate the employee who gets hurt on their work site. I don't believe that and I don't believe you believe that.

What I do believe is that those employers and those people who look at this Bill are not really cognizant of what is going to happen to that employee who is hurt. That is what I am sure of. I don't know how it is going to come down, what I do know is that since 1975, I have done casework for two U.S. Senators and I continue to do casework as a Senator from Maine. I have found in those many years how many people are affected by the work they do. Sure there are some people who should not be claiming workers' compensation. Hopefully, we have a system where we can catch those. I do not believe nor do I think you believe that we can catch every one. We haven't done it in any system we have ever had. That should not drive us to do something that is not going to help that injured worker. That should not drive us to reduce the quality of life of somebody who is willingly giving their time, their effort, their willingness to work in your jobs to produce income through you and to keep the quality of life in America. We don't have that right, yet we are taking it from them.

Let me get down to some really brass tacks. Sixty-five points that is what I have heard from the time I have spent here on this issue. Sixty-five points. First I thought some of those points were going up to Banking and Insurance to help reduce the amount of cuts we would have to make in benefits. Not so. Last instance what do we get up in Banking and Insurance? 1.5 points, that is all we got yet we thought we were going to have twenty, twenty-five, thirty. I think they are there, but we aren't being given them. They are all down in the cut down on the employee level. Now I think anybody can figure out just by figuring that the burden of adjusting the Workers' Compensation System in this state has got to fall on the employee. If you need sixty-five points and those sixty-five points are in benefit cuts, where does the burden fall? On the employee, that is where it falls. It seems to me that the good Senator from Cumberland, Senator Andrews has pointed out some areas where we could have made those cuts. The travesty and the tragedy of this whole process has been in my estimation that we haven't given the due consideration to what we can do to fix the system it has indeed been a gun at our heads. I couldn't understand the way I was feeling and it is the hostage issue. I do in fact feel like a hostage, but you know what? I am going to let you fire that gun at me because I am not voting for this Bill, either Bill because I don't believe it is appropriate. I do, however, believe that it needs fixing and I do believe there is a way to fix it. What I do believe is that this is not the way to fix it.

Senator BUSTIN of Kennebec requested a Roll Call.

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

Senator DUTREMBLE: Mr. President and Members of the Senate. No doubt that I think everyone understands that this issue has not only been a complicated one, but an emotional one before our Committee and it will always continue to be a

complicated and emotional issue before our Committee and before the Legislature.

I don't disagree with what the good Senator from Cumberland said. We have agreed on most of the issues that we worked on in the last month and it is only on a few minor points that there is really disagreement between the Majority Report and the Minority Ought Not to Pass Report. From the beginning when the Labor Committee started its work we knew that we were addressing a crisis and the crisis was that if we didn't address the situation that was before us at this very moment, then come January employees would not have any coverage or any jobs to go to if employers would have to shut their doors for lack of workers' compensation coverage. All of us who worked on the Labor Committee had that in mind in the very beginning. We knew we had to come out with something. I, too, would like to carry the banner for the injured worker and I, too, feel right now, today that I do carry the banner of the injured worker. There may be some people who feel different than that, but certainly not I. Because as I worked on this and as members of the Committee worked on this we tried to find ways that would address the problem as fairly as possible and that is what we did. This may have been characterized as unfair for some people, but by others we feel it is a very fair way to do it. The whole issue of workers' compensation before our Committee was a product of negotiations, a product of compromise, a product of give and take and all of us worked on this and hopefully, I can say that for every member of our Committee. We did not work on this issue totally on the eye of giving insurance companies the profits that they seem to have to have so they can come back here, but I think we addressed it on how to make it as fair as possible for the injured worker and make sure that whatever we did do didn't harm the injured worker. And so we did spend a month on it and we did address all the issues and we did include re-training and we did include reinstatement rights to workers and we did include discrimination language so they would not be discriminated against. And finally, we also had to address the benefits. We did address them by the duration that the good Senator from Cumberland, Senator Andrews, has suggested. But I think it is important to point out that the language used to determine whether a person is put on total incapacity is done just for that purpose to decide whether a person is going to be on total incapacity or on partial disability and when you talk about if a person can get full-time remuneration of a full-time job what you are talking about is classifying them either in total disability or total incapacity or permanent partial. If a person is classified as permanent partial you are not saying you have to move to another part of the state or lose your benefits, you are saying that for the next four hundred weeks you will receive your disability benefits and during that time, we have provided for you an opportunity to be re-trained and get back into the workplace. Because actually, ladies and gentlemen of the Senate, the Workers' Compensation System is supposed to replace wages lost due to injury. What we have to do is allow people to be re-trained and put back into the workplace and unfortunately, the system as it was today did not encourage that at all. What we have actually done is made it very clear that if you can work in a full-time job, you are partially disabled, or permanent partial, you will have four hundred weeks, we will give you training and you will be sent back to work. If you can't go to a full time job, you are total incapacity and that is not unfair at all.

Maybe this is not the best we could do, or maybe that is not the best there is, but for the amount of time we worked on this and all the different other areas that were discussed and I would like to think that every rock was turned over, looked at very carefully before it was placed and then the decisions were made. We have to do something with this issue. Nobody really feels comfortable about it. I don't think there are any Senators or Legislators whether Republican or Democrat who are comfortable with the fact that we had to address this situation in a manner that we did. But I think we all realized that we had to. Now that we have, I think we should vote for this, we are coming back in January, we will be again addressing this situation of re-training and rehabilitation to make it tight so that people don't fall through the cracks. We will come back in January and address it and then hopefully, we can put this issue behind us and make the system fair for the injured worker. Thank you.

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

Senator TUTTLE: Mr. President and members of the Senate. This is truly a time of change as I guess most of us realize as we can see from the lapel tag being worn by members of the business community in this Senate Chamber today. I remember seeing these once before somewhere last election. It is a time of change for the working people of this state. I just hope that by passing this legislation it will not become a time of pain for them also. I am reminded of a quote from Thomas Jefferson when he said that "if those people that have much forget about those people who can least survive based on the principles of expediency and profit alone, then those who support this wrong doing will not long prevail". If we bring Jefferson's views to present day he would be saying that unless we can provide good paying jobs and not well paying jobs and protect our workers' adequately from injury and after the realities of this so-called economic development are only symbols and not reality.

Show me the place in this legislation that helps the small business person and I will tell you that I can't find any. I may be wrong, I have been wrong before. But I point this out to you today. In my opinion, just wait until the small business people get their bills next year. Government has a tendency to move where the wheel squeaks the loudest. Now it is moving to the sound of Workers' Compensation Reform. The only hope that the working people in Maine have is in this Legislature to deal not only with the business interest of the state, but also to protect those same working people. I have been around here enough years to see the writing on the wall. I plan to support this measure today, but I do so with a heavy heart in hopes that we are doing the right thing. Only time will tell.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator BRAUN: Thank you Mr. President. Mr. President, men and women of the Senate. Having received personal communication from well over two hundred individuals in my county concerning this Workers' Compensation issue, I rise and state for the record that the rural and mid-coast areas of Knox County have urged me to go along with the Governor's proposal.

Over a year ago when I began my political career, as I knocked on hundreds of doors, I heard over and over again the concerns people had with workers' compensation. Small businesses seemed to be very hard hit and many times felt that they might have to go out of business if some help did not come. I



chose workers' compensation as one of my goals to work on here in Augusta and was very pleased when Governor McKernan took the lead to deal with this crisis. By the way, crisis does not have to be a negative thing. The dictionary describes crisis as a turning point. I believe we have reached a turning point - a crisis.

Now we have a chance to turn this into something positive by passing legislation to insure our business in Maine. We are sending a strong signal that we hear, we care, and we are taking action to help our state measure in a similar fashion to other states instead of standing out in such a dramatic different way. Safety is a factor, but let's let the statistics speak for themselves. Let's reward those with good safety records and encourage the others to make safety a priority.

I have had two members in my immediate family injured at work this fall. Both have received prompt attention and care.

So what do we do now? This crisis has become so severe that I had several letters and calls yesterday from employers whose insurance companies have cancelled their insurance policies. They and their employees are left high and dry. Do we always work this way - crisis management? I think it is very poor business to continually be in this situation. I strongly urge that we set goals and work together to improve these problems over the next few years. And I pledge myself to full cooperation. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscooggin, Senator Gauvreau.

Senator GAUVREAU: Mr. President, Men and Women of the Senate. I have listened somewhat intently to the commentary in this chamber this evening and certainly have followed with great interest the discussion both in these halls and also the representatives of the various interests affected by so-called Workers' Compensation Reform. I feel that many of us who have been here for a few years recognize that what is being done over these next two days will not bring about a final surcease to the problem of workers' compensation in our state, but will simply effect a temporary peace, if you will, in this very difficult area.

I feel impelled to congratulate and express my admiration for all members of the Committee's on Labor and Banking and Insurance for the work product which they have brought forth this evening. Aside from being berated constantly by the various special interest in this issue, I think we see in their work a great deal of thought and a great deal of care. Although certainly some people will come away from this process feeling that they were left out or that they were not properly heard; that clearly is not the case. I think it is also important that we take this opportunity to congratulate both Committee's for clearly improving bills which were referred to their committee. There is no question in my judgment that both Bills we see before us this evening are far, far improved products from those which were submitted to the committee. For example, on the Labor Bill in front of Senator Dutremble's committee. The original Bill which was submitted to that Body called for major, major benefit cuts and also invaded traditional notions of due process. We saw for example the real prospect of workers realizing benefits cessation even prior to having a chance to be heard before the Workers' Compensation Commission. We saw rather drastic benefit reductions. We saw an emasculation of the permanent impairment schedule. So clearly what the Labor Committee has done is moderated the very painful cuts which must be exacted and they did so clearly in the

face of a very, very real situation and as Senator Brawn has told us, a very real crisis which confronted this state.

I would simply echo the remarks of Senator Tuttle from York and others that this Bill will clearly not constitute a final resolution to this problem. There are several other issues which must be addressed and it is for that purpose that I rise this evening just to underscore some concerns which I have now and which I would certainly expect to be addressed in the upcoming Legislative Session. Now the Labor Bill clearly provides an opportunity for rehabilitation and re-training for injured workers and that is to be applauded. But one problem which I have heard and I am sure many of you have heard in our discussions with the business community is that there clearly is a disincentive for employers to hire disabled workers at present. Notwithstanding the efforts of the Labor Committee, I feel that Title 39, Workers' Compensation Law will still carry those disincentives and my concern is for an employee who may be injured for example with employer A and having gone through rehabilitation and gone through re-training simply finds that there is no job available for him or her after that person has attained maximum medical improvement. I understand that with the inter-relationship with the Banking Bill clearly there are disincentives for that employer. There are incentives rather for the employer to hold a slot open and get the injured worker back. But companies might move, they may relocate, or they may have to down size their labor force and in all those situations an injured worker must look elsewhere to secure employment. I think this is a real problem we are going to have to confront. The disincentives to employers remain. If employer B ventures to take an injured worker and there is a re-occurrence or an aggravation of a previous injury, the second employer will have to make contribution to that employees injuries and although I am cognizant of the change in our law which would declare it unlawful discrimination for employers to refuse to hire disabled workers, I have grave concerns whether that statute can be practically implemented. And in fact, it might well be unfair to our business community because it seems somewhat unrealistic to declare businesses engaging in discrimination when they realistically would suffer major financial loss if they were to hire disabled workers under our present system. This is not to criticize the work of the committees, it is rather to point out a very, very real problem which we must confront.

I also note on an issue that I have addressed in prior Legislative Sessions and perhaps will in future. There seems to be somewhat of a disparity which we are introducing in the Labor Bill, L.D. 1918. In many situations employers need additional time before they can controvert employee claims for benefits. I have no problem with the language in this particular Bill which would extend the period for employers to controvert employer claims. I believe the standard which has been pegged in this act is excusable neglect. A fairly permissive standard in our courts. What concerns me is that the same privilege is not accorded to injured workers. An injured worker as you know must file his claim, or must file proof of his claim within thirty days of the injury to that injured worker. And if that notice is not timely and seasonably filed, the employees claim is totally barred. A major financial cost is visited upon the injured employee who is tardy in submitting notice.

I understand the arguments crafted by counsel for employers that Section 64 of our workers'

compensation act provides the somewhat notorious mistake of fact exclusion whereby an employee who under mistake of fact is not aware that an injury that is work related can always plead that section of our act and file late notice. As a practical matter, very, very few employee claims that were admitted on that basis, and all I am suggesting to you is that if we are going to on the one hand broaden the basis for employers to controvert claims, we ought to provide the same basic fairness to injured employees.

I also have concerns regarding cost of living adjustment. As I understand it, under the legislation before us in L.D. 1918, injured employees would have to wait until their third anniversary of their injury before a COLA would kick in. I believe it is capped at no more than five percent. A concern which I have is as follows: Currently, as we know, the money markets are somewhat down, but if the dollar should make a strong recovery and if in fact insurance companies pour their reserves into the money market and realize significant profits, at that point, it seems to me the companies would be in a financial position down the road to pay more in terms of cost of living adjustments. Bear in mind that at the same time as the dollar is rebounding and perhaps we have an inflationary period, the injured worker will have to live and get by on the average weekly wage predicated upon the cost of living at the time of the injury. It seems to me that does work a basic unfairness. And though I certainly appreciate the need to moderate our benefit structure to comport with the demands of the insurance sector and bring our overall cost of our Workers' Compensation Program in line, it does seem to me that we should be aware of that potential unfairness in our system. Clearly, there is much good in the legislation which has been offered to us. I for one see for the first time some major incentives afforded to the business and insurance community to really invest in workers safety. Under the Bill which is to come before us, perhaps I shouldn't be speaking directly to it, but my general understanding is that employers will have the direct incentive to bring injured workers back to work or else face being placed in a residual pool with subsequent deductibles and perhaps even a surcharge. I think for the first time we really see the notion of incentives for business and insurance companies to invest in safety programs. So clearly, although people can find fault and legitimate fault with the Labor Bill now under consideration and clearly, these Bills will touch peoples lives and will hurt innocent workers, there is much good in this legislation.

My purpose in rising this evening is to remind all of us we should be under no illusion. When these Bills pass and become law, employers rates and premiums will go up. We will have additional problems and displaced workers. We will have to address these problems. I don't want anyone to walk away from this Session saying there, we finally addressed solidly the workers' compensation problem in Maine. No we have not. But we have introduced valid concepts for the first time into our Workers' Compensation Statute and for that I am greatly pleased. Once again, I do congratulate the work of both the Banking and Insurance and the Labor Committees. Thank you.

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

Senator KERRY: Mr. President and ladies and gentlemen of the Senate. First of all I am taken by the concept of perception and reality regarding this issue and many of the issues that we address here in the Senate.

First of all, the concept of hostage. If anyone has this Senate as hostage, I think the captors are in trouble. That is the first thing. Secondly, I would have to say that as I drove up here today I saw a group of hunters outside going along the highway. I thought I was fairly safe coming to the Senate, but as I sit here I think I am getting to feel that it is probably safer out there.

The issue here really is, I think in many ways, structuring or framing the issue. The issue isn't the number of points that the insurance industry quotes has poised or requests the committee to address. The issue isn't the specific injured worker, or the inhumanity of a modification of the system to that specific worker. Although we as human beings and certainly as public policy makers make that our number one standard, how does this system impact that one individual who has to go through life with a total or partial impairment and how are they fairly and justly compensated for it?

Back in the 1970's, I was one of the Legislators that worked very diligently for the passage of many of the bills that are currently on the books here. I was one of the legislators that spoke in favor and worked in favor within the caucuses and within this Legislature to have the finest Workers' Compensation System in the country. I can recall many of the leaders of my party who stated that we needed to reform the Workers' Compensation System at that time to address the needs of people. It was a very humane, very just and I think it was a very noble act. We did many things to reform the system. We now live with a part of that system if not the total impact of that system. Things change, there are changes in the Workers' Compensation System and there are also changes in the workplace. We spoke about safety back in the 70's, we spoke about safety in the 80's, we spoke about the legitimate rights of the workers and of the employers, small businesses as well as large. Sometimes it is easy for us in this Body or in the other Body to speak of the big paper companies and the little worker. Sometimes it is easier to frame our debate by impersonalization. I would hope that we would not be captured by that type of logic, because in essence we are doing a disservice to both. I know that many of the people that I represent are small business people. There are very large employers in my district and I know most of you are faced with the very same type of breakdown demographically or otherwise. Maine is primarily a small business state. Therefore, the burden of an unjust or an inefficient or an uneconomic or an impersonal system will be based on the workers' primarily and employers from small businesses. I would have to say that for the last ten years, the people that I know who work in businesses in my area have wanted to reform the Workers' Compensation System. Now maybe some of the people wanted to increase the benefits, but I would have to say the vast majority wanted to adjust the needs of people rather than just talk about benefits. If they were an employer they didn't want the rates to go up and if they were an employee they wanted better benefits.

Generally speaking, I used to see the insurance companies sitting together over on one side and usually attack. They were the ones that were constantly with the guns at their head and we would usually always gang up on them. Today I think there has been a shift and as the good Senator from Knox has stated there is a crisis. I think the crisis is one of confidence of the people in this system of government to address the issue that is at hand. It just didn't happen in the last month, it didn't

happen in the last session, it has been going on over time. I know that many of the friends of my party have criticized the former Governor, Governor Brennan for trying to address this issue. It was a very difficult issue to address in the early 80's, it is difficult to address it today and it is even going to be more difficult to address it in the future. Today we are trying to address this issue in an incremental fashion. It may seem like a comprehensive overhaul of the system, but in reality the issues that have been brought up by the good Senator from Cumberland, Senator Andrews, and I think they were spoken very well, eloquently and to the point that we have to look at these issues and I think we must address them.

This Body will come back in Session in January. If there are any egregious errors that we must address, this body will have to make a decision on any injustice imbalance that may be existing in the system as of January 1, 1988. I don't like this Bill in its total. I think there are certain parts of it that are personally inimical to my personal beliefs and I think they may even hurt certain people. But on the whole, I think the people of this state want this Legislature to act responsibly, prudently, and with a certain degree of courage. I don't consider this the Governor's Bill, but I have to compliment the Governor for bringing it to our attention. I don't consider this the Legislatures Bill, a Democratic Bill, or a Republican Bill. I think this was a good faith effort on the part of both parties and certainly on the part of the members of the two committees that have been working on it. There are times when we have to set our political agenda aside and do the people's business. I think this is one of the times when rhetoric, emotionalism and partisan activities should be set aside. If we have made a mistake, if it isn't perfect, we will do like we have always in the past, we will come back and we will change it.

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

Senator ANDREWS: Thank you Mr. President, men and women of the Senate. I don't want to unduly extend this debate. I think that nothing that I say or anything anyone else says is going to change anyone's mind at this juncture. I think our minds were made up probably long before this debate even began. But I would like to simply say that my reasons for opposing this Bill are not reasons of emotionalism or partisanship, nor do I believe can be reduced to near rhetoric and I don't think the issue here is courage. I think that we have to look at this issue responsibly. We have to make tough decisions, we have to balance the system. It is going to require reductions in benefits, but I think we have crossed the line of fairness, I really do. I also think that it is not necessarily because of other viable options before us. I would just like to add one additional point in response to some of the references made about rehabilitation, particularly because there is a section in this legislation which places that on the table for the next Session of the Legislature and I would at least like to go on Record.

There are two myths that we are perpetrating in this piece of legislation. One is that someone who is in all respects totally functionally disabled in Maine is according to the definition in this Bill not, partially disabled. The other myth is that we have in place as one person called it, a substantial rehabilitation and training program in Maine. That, men and women of the Senate, is a myth. The success rate for rehabilitation in this state, under workers' compensation, is fifty-six percent, one of the lowest success rates in the United States. We have not

increased our commitment to rehabilitation. We have not increased our allocation funds and resources to rehabilitation. We have not changed the design of the approach of rehabilitation in this system. We have required that a person who falls in the category for the first time from total to partial, whether they are partial or not, that they have to go into a rehabilitation system. I think requiring someone who can be put into a rehabilitation and re-training program and can be re-trained and rehabilitated and can get back into the work force, I believe they should be, but you have to have a system in place that works and we don't.

I chaired a subcommittee on rehabilitation of the Labor Committee and we took a look at the current system and we sat down with several of the players that were involved in that system and we found a complete mess. I couldn't find anybody in that room that had leadership roles or direct experience with rehabilitation who could tell me that the system is working well. Or even that we have a system that they would call as rehabilitation professionals, no one could admit that we have a system of rehabilitation in Maine. So, that safety net that we are so much relying upon, that system that is going to rehabilitate people that get thrown into this partial disability status is a myth. While it was such a mess, while it was so difficult to attack responsibly and reasonably, we decided that system was one that we would take apart top to bottom and reform our rehabilitation system in this state. It is a job that needs to be done and it is a job that we will do in the coming months. It is a job that I hope you will respond to when we return in this Session. We need a major investment in rehabilitation in this state because we have disabled people who are both victims of workplace injuries and not, who want to work, who can work, but because of our failure in rehabilitation are not working. If this safety net is going to be more than a myth, we have to bite the bullet and invest in rehabilitation and I am going to hold you to it next time we come back.

Again, I don't think we are changing any minds, I needed to have that on the Record. But I think ladies and gentlemen of the Senate that, while I don't expect the votes are on my side, I think it is important to recognize the serious problems with this piece of legislation and like the Senator from Androscoggin, Senator Gauvreau, do not function on the myth that we solved the workers' compensation problem, whether you vote for it or against it. Thank you very much.

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

Senator DUTREMBLE: Mr. President, I just want to add a couple of things to the Record that I agree with Senator Andrews that we will be coming back in January or the next Regular Session to study rehabilitation and re-training and we will be trying to make both the rehabilitation and the re-training systems a lot tighter to take care of anybody who could fall in the cracks. I don't think that there was any doubt at all that when we worked on this rehabilitation and re-training that there would be a good faith effort to come back in January to make sure the thing would work well. I think we all agree to that and I think the Governor agrees, the Presiding Officer in the other Body and the President and everybody agrees that we are going to be coming back and closing the cracks. I think it is also important to point out that we are also going to be studying when we do that early intervention and case

management so we can take care of the people at the front end also.

Senator BUSTIN of Kennebec requested and received Leave of the Senate to withdraw her motion for a Roll Call. Subsequently, the same Senator requested a Division.

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

Senator MATTHEWS: Thank you Mr. President, men and women of the Senate. I just feel very strongly, very compelled this evening to state for the Record publicly tonight that I will support this package, but I will tell you something, I thank the good Lord above that we have a Legislature today, that we are not simply in any way, shape or form a dictatorship, that we are a democracy. Because the package or the proposal submitted from the second floor earlier this year I would not have supported because there were provisions missing from that proposal that were essential for this young democratic Legislator in his support. Those provisions are the re-training and the re-hirement and the anti-discrimination statute. Those provisions were very important and I share the concerns of the good Senator from Androscoggin and some of the members on the other side of this issue that we haven't done all of the things that we need to do to really reform the system. But, I believe the package hammered out by the good Senator from York, Senator Dutremble, and the majority members of the Labor Committee is a start in the right direction and I am going to support it.

But, since we happen to have business and industry here this evening assembled behind this Chamber, I will make the one statement and I bet you I will be supported by a lot of other members of this Body, R's and D's, that if there is more discrimination of injured workers that I happened to hear of and other members of this Chamber hear of, of workers that are injured that have been rehabilitated that can't get re-employed, then we will take care of it in stronger terms. I hope that business and industry hears that message that there are a vast majority of Maine citizens that have been injured that want to work and it is unjust and unfair when they are discriminated against and can't be re-employed. So, I thank the members of the Committee, the majority and the good Senator from York for making a start and I am going to support this proposal.

THE PRESIDENT: The pending question before the Senate is the motion of Senator DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report.

At the request of Senator BUSTIN of Kennebec, a Division was had. 33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT Report, PREVAILED.

The Bill READ ONCE.

Senate at Ease  
Senate called to order by the President.

Off Record Remarks

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

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:

COMMUNICATIONS

The Following Communication: H.P. 1417

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA 04333

October 21, 1987

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

Dear Mr. Speaker and Mr. President:

On October 21, 1987, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on October 21, 1987 as follows:

Agriculture

Bill "An Act to Prevent Potential Nematode Infestation" (Emergency) (H.P. 1416) (L.D. 1921) (Presented by Representative LISNIK of Presque Isle) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Labor

Bill "An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes" (Emergency) (H.P. 1415) (L.D. 1919) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot, and Senator DUTREMBLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

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

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA 04333

November 19, 1987

Honorable Joy J. O'Brien  
Secretary of the Senate  
113th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

House Paper 1396, Legislative Document 1895, AN ACT to Amend the Charter of the Eastport Port Authority, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

3 voted in favor and 134 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

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

Which was READ and ORDERED PLACED ON FILE.

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

ORDERS

Joint Resolution

On motion by Senator BUSTIN of Kennebec (Cosponsored by: Representative PARADIS of Augusta, Representative HICKEY of Augusta, Representative DAGGETT of Augusta) the following Joint Resolution:

S.P. 706

JOINT RESOLUTION RECOGNIZING

MARY GODBOUT, CLERK OF THE DISTRICT COURT

WHEREAS, the position of Clerk of the District Court is critical to the fair and efficient administration of justice for the citizens of Maine; and

WHEREAS, Mary Godbout has served the State of Maine in the District Court system since its inception and has served with great distinction as clerk of Division VII of Southern Kennebec at Augusta; and

WHEREAS, the citizens of Maine and particularly Kennebec County are indebted to Mary for the grace, wit and charm with which she has always performed her duties; now, therefore, be it

RESOLVED: That the Legislature of the State of Maine express its gratitude to Mary for her dedicated public service; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to Mary Godbout.

Which was READ and ADOPTED.

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:

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1420

JOINT RESOLUTION MEMORIALIZING CONGRESS

TO REINSTATE THE BANGOR, MAINE OFFICE OF THE

FEDERAL RAIL ADMINISTRATION AND TO ADOPT

LEGISLATION TO IMPROVE RAILROAD OCCUPATIONAL

SAFETY AND HEALTH CONDITIONS

WE, your Memorialists, the Senate and the House of Representatives of the State of Maine in the Second Special Session of the 113th Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the Maine Legislature enacted 1985 Public Law, chapter 813, which established the Legislative Task Force on Railroads and charged the task force with identifying the most effective role for the State in retaining and enhancing rail transportation in Maine; and

WHEREAS, the Legislative Task Force on Railroads has learned that the Federal Rail Administration has chosen to eliminate their Bangor, Maine Office and move their only Maine-based track inspector to their regional office in Cambridge, Massachusetts; and

WHEREAS, during the deliberations of the task force it was found that there are no rules or regulations enforceable by any state or federal agency that establish basic standards of sanitation on rolling stock in which railroad employees work; and

WHEREAS, the Congress of the United States is currently considering proposed amendments to the Railroad Safety Act of 1970; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge and request the Congress of the United States to vote to reinstate the Bangor, Maine

Office of the Federal Rail Administration, to staff this office with motive power and equipment and hazardous-material experienced personnel in addition to the current track inspector, and to improve railroad occupational safety and health conditions; and be it further

RESOLVED: That a duly authenticated copy of this resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, the Honorable George Bush, President of the Senate, and the Honorable Jim Wright, Speaker of the House of Representatives of the Congress of the United States, and to the members of the United States Senate and the United States House of Representatives from the State of Maine.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act Relating to Out-of-court Statements made by Minors" (Emergency)

H.P. 1383 L.D. 1885

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-429).

Signed:

Senators:

BRANNIGAN of Cumberland

BLACK of Cumberland

Representatives:

VOSE of Eastport

BEGLEY of Waldoboro

PARADIS of Augusta

THISTLE of Dover-Foxcroft

COTE of Auburn

MACBRIDE of Presque Isle

CONLEY of Portland

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

Signed:

Senator:

GAUVREAU of Androscoggin

Representatives:

HANLEY of Paris

WARREN of Scarborough

MARSANO of Belfast

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429).

Which reports were READ.

Senator BRANNIGAN of Cumberland moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. It is with some trepidation that I prolong the pace of this evenings proceedings. I feel compelled to explain my position in opposition to my esteemed colleague, the Senator from Cumberland, Senator Brannigan on L.D. 1885. This Bill before us has to do with the admissibility of evidence into courts of our state during criminal proceedings. A few Sessions ago, this Legislature mindful of the psychological trauma visited upon minor children who themselves were victimized by sexual attacks, allowed a statutory exception to our hearsay rules whereby a young child rather than have

to undergo the rigors of cross examination in open court, would be allowed to testify by way of video deposition provided that the government could initially establish by clearing convincing evidence that the child would in fact be harmed by having to undergo testimony in open court. Now, we set as the maximum age that a child could be was fourteen years of age and children fourteen years of age or under then would be allowed to prefer testimony by video deposition. Now, what this Bill before us would do would be to advance that age one year to age fifteen and certainly there is not an individual in this Chamber who is not sensitive to the apparent justification for that procedure. Once again a child fourteen years of age could be harmed, why not a child the age of fifteen or sixteen or whatever, and I do not object to the notion of expanding that statutory exception to our hearsay rules. My concern is, as has been a concern heard often in these Halls, I would question whether we need this particular legislation at this particular point in time. The Bill arose out of a prosecution which is pending in Somerset County. That case has now been solved or disposed of and there is no immediate need to raise the age to age fifteen, but more importantly we have, rightly or wrongly, as a Legislature as a matter of public policy that the age fourteen has special significance in our means of evidentiary procedure and we deem that children age fourteen or younger are to be accorded special legislative protection and as a result, for example to have sexual intercourse with a child fourteen years of age or younger that ordinarily is deemed to be a felony, whether or not the other partner knew that the child was age fourteen years or under. We do so because we deem it so offensive to the child to be victimized in that way and we also, I believe, have expressed a policy that children age fourteen years of age or under really do not as a general principal have the degree of emotional stability or maturity to make any where near informed judgements whether or not they should submit to sexual relations. Now, if one were to peruse our criminal code you will see that we visit special criminal sanctions upon those who would abuse children fourteen years of age or under. I give you that background, although I know it isn't perhaps the most scintillating topic of this time of the evening, but I give you that background because what this Bill would do would be to advance the age one year to age fifteen as far as the exception to our hearsay principle. There is no particular reason why we should stop at fifteen, why not go to age sixteen, or a more logical age would be age eighteen, because that is the point of maturity. One might question whether we should have a division at all and allow all individuals regardless of their age to be able to establish this end run around the hearsay principles of our state. It seems to me that a more prudent course of action would be to defeat this measure at this point in time, bearing in mind this Bill will not serve anybody's interest right now, there is no criminal prosecution which we in the Committee are aware which would give rise to this particular legislation. The case in Somerset County has already been disposed of. It makes far more sense for us to consider carefully this entire area of law in the Judiciary Committee during the Second Regular Session and at that time we may well in fact embark upon a more far reaching hearsay exception, but clearly we integrate the evidentiary principle with our substance of law in criminal law. This basically is an ad hoc irreverent approach to address one particular case and that is not the way I suggest to you that we should go about articulating public

policy in this state. It is for that reason that I am opposed to this measure and I would urge you this evening to join me in opposing the Majority Ought to Pass Report. Thank you very much.

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

Senator BRANNIGAN: Thank you Mr. President, men and women of the Senate. It is with some fear that I would correct the former speaker who is of course an attorney and knows the law well, but if I am not mistaken, what this Bill does is we are talking about the present law passed in 1983, which allows those under fourteen if a judge is convinced of real serious harm of having to face someone who is accused of a raping, sexually abusing that thirteen, twelve or eleven year old person, then they will allow it under fourteen at this time. Video taping with the defendants lawyer present, even the defendant can watch through a mirror. Since 1983 when we passed that, there have been two thousand opportunities for judges to make a decision to allow this to happen. Only once has that happened, it has been very sparingly used, I am sure when it has been used it has been necessary. There are cases of sexual abuse and other abuses pending now I am sure and children may be turning to thirteen when they were raped to fourteen. It is true that this was brought to the attention of the Legislature because of one particular case, it was a very moving case for one particular member of the Legislature and how often it is true that things are brought to us because of one particular incident. That instance will not be affected by this Bill, but the effect that it had on the folks involved in that was passed on to our Committee. Our Committee heard it, held it over one Session to another, had work sessions, gave it severe consideration. It was the decision, unanimously, it should have been unanimous, but it wasn't, the majority decision of our Committee that we would raise it, some wanted it raise it higher than we are raising it now. From my understanding there are several cut off points where different rights are recorded to minors, one is at age seven, one at age under fourteen, therefore thirteen, under age sixteen, therefore fifteen, and under age eighteen. Some wanted to raise it up to age eighteen. It was decided that we would raise it, at least for now, just one of those segments, from under fourteen to under sixteen. We believe that is a fair way to go, if a judge decides it would be so injurious and it has only happened once in two thousand cases, that it would be so injurious to that young person who has been raped or sexually abused that video taping would be allowed.

If you need any real help making a decision about how to vote here let me point out to you the three Senators and how they voted. Senator Gauthreau, from Androscoggin, is a defense attorney and if he falls he would probably fall on the side of the defendant. Senator Joe Brannigan, from Cumberland, has a background as a social worker and if he falls, he would probably fall in favor of the victim. But, the other Senator, Senator Black, from Cumberland, in this case he is neither of those, he is a man of common sense and I would hope you would choose to vote with him and with me in this case. Thank you very much.

Senator GAUVREAU of Androscoggin requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BRANNIGAN of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

At the request of Senator GAUVREAU of Androscoggin, a Division was had. 25 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator BRANNIGAN of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-429) READ and ADOPTED, in concurrence.

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

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act Related to the Members Pool in the Tri-State Lottery"

S.P. 697 L.D. 1922

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Related to the Numbers Pool in the Tri-State Lotto"

S.P. 707 L.D. 1931

Signed:

Senators:

KANY of Kennebec

ESTES of York

Representatives:

PRIEST of Brunswick

PERRY of Mexico

MARTIN of Van Buren

JALBERT of Lisbon

PAUL of Sanford

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

Signed:

Senator:

DILLENBACK of Cumberland

Representatives:

MURPHY of Berwick

STEVENS of Sabattus

HARPER of Lincoln

TUPPER of Orrington

Which Reports were READ.

On motion by Senator KANY of Kennebec, the Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED.

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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend Certain Powers of Hospital Administrative District No. 4" (Emergency)

H.P. 1419 L.D. 1930

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act to Require the Department of Educational and Cultural Services to Promulgate Rules Necessary to Implement Legislation Enacted During the First Regular Session Concerning Certified Nursing Assistants" (Emergency)

S.P. 672 L.D. 1905

Ought to Pass

Senator BERUBE for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Concerning the Commission to Implement the Computerization of Criminal History Record Information" (Emergency)

S.P. 695 L.D. 1920

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED.

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

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Staff for Improvement of Corporation Filing Services within the Bureau of Corporations" (Emergency)

S.P. 675 L.D. 1908

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-302).

Signed:

Senators:

PEARSON of Penobscot

EMERSON of Penobscot

Representatives:

LISNIK of Presque Isle

FOSTER of Ellsworth

CHONKO of Topsham

NADEAU of Lewiston

DAVIS of Monmouth

MCGOWAN of Canaan

HIGGINS of Scarborough

CARTER of Winslow

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-303).

Signed:

Senator:

BERUBE of Androscoggin

Representative:

FOSS of Yarmouth

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-302) READ and ADOPTED.

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

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

Off Record Remarks

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

November 19, 1987

The Honorable Charles P. Pray  
President of the Senate  
Senate Chamber  
State House

Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am withdrawing my nomination of B.M. Van Note of Bath for appointment to the Maine State Housing Authority. Pursuant to Title 30, MRSA Section 4602, this nomination is currently before the Joint Standing Committee on State and Local Government. Thank you for your assistance in this matter.

Sincerely,  
S/JOHN R. MCKERNAN, JR.  
Governor

Which was READ.

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

Senator TUTTLE: Thank you Mr. President, men and women of the Senate. I feel the Record should contain an explanation as to what happened pertaining to this nomination yesterday before the Committee on State and Local Government. Both the Speaker of the House and the President of the Senate informed the Governor that there were problems with Mr. Van Note's nomination and suggested that the name be withdrawn. I personally met with the Governor's representative, a representative today before the confirmation hearing about my concerns. There was some concern pertaining to conflict of interest. Both the nominee and the Governor's representative admitted that there was a conflict of interest and suggested that a waiver would be required in this instance. Although we appreciate the willingness of Mr. Van Note to serve, the Housing Board is a small board where every vote is important. When voting on issues that relate to bonds it is important that no votes are questioned. To excuse oneself on a vote after vote would not serve in the best interest of the state. The majority of the Committee felt that the conflict issue was one that could not be treated lightly and that is the reason why we acted accordingly. I would hope in the future that these issues would be handled in a better manner. Thank you.

Which was ORDERED PLACED ON FILE.

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

SENATE PAPERS

Resolve, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System

S.P. 701 L.D. 1926

Presented by Senator CLARK of Cumberland  
Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26

Committee on AGING, RETIREMENT AND VETERANS suggested and ORDERED PRINTED.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

Resolve, to Extend the Interim Reporting Deadline of the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute

S.P. 702 L.D. 1927

Presented by Senator BUSTIN of Kennebec

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26  
Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee and ORDERED PRINTED.

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:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act to Exempt the First Certificate of Need Continuing Care Retirement Community Demonstration Project from Certain Requirements" (Emergency)

S.P. 679 L.D. 1909

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

S.P. 699 L.D. 1924

Signed:

Senators:

THERIAULT of Aroostook  
BUSTIN of Kennebec  
COLLINS of Aroostook

Representatives:

WEBSTER of Cape Elizabeth  
RYDELL of Brunswick  
BOTT of Orono  
ERWIN of Rumford  
CURRAN of Westbrook  
CLARK of Millinocket  
GARLAND of Bangor

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

Signed:

Representatives:

SIMPSON of Casco  
TARDY of Palmyra  
TRACY of Rome

Which Reports were READ.

On motion by Senator THERIAULT of Aroostook, the Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED.

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:

COMMITTEE REPORTS

Senate



Divided Report

The Majority of the Committee on BANKING AND INSURANCE on 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

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

S.P. 700 L.D. 1925

Signed:

Senators:

THERIAULT of Aroostook

COLLINS of Aroostook

Representatives:

BOTT of Orono

CLARK of Millinocket

GARLAND of Bangor

ERWIN of Rumford

TRACY of Rome

TARDY of Palmyra

SIMPSON of Casco

RYDELL of Brunswick

Webster of Cape Elizabeth

CURRAN of Westbrook

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

Signed:

Senator:

BUSTIN of Kennebec

Which Reports were READ.

On motion by Senator THERIAULT of Aroostook, the Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED.

Under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED.

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

Joint Order

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

S.P. 705

ORDERED, the House concurring, that the following specified matters be held over to the next regular session of the 113th Legislature:

COMMITTEE

BILL

Labor

(H.P. 1415) (L.D. 1919) - An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes.

Which was READ and PASSED.

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

On motion by Senator GAUVREAU of Androscoggin, RECESSED until 8:00 p.m.

After Recess

Senate called to order by the President.

Off Record Remarks

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

SENATE PAPERS

Bill "An Act to Revise the Procedure by which Insurance Rates are Established under the Maine Workers' Compensation Act" (Emergency)

S.P. 704 L.D. 1929

Committee on BANKING AND INSURANCE suggested and ORDERED PRINTED.

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

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

Senator BUSTIN: Thank you Mr. President, men and women of the Senate. Here we are again. Debating Workers' Compensation. Again, we are attempting to reform the system. This time, we are forced to negotiate with a gun pointed at our heads by the insurance industry. Maybe rightfully so.

Now, we have two Bills which will supposedly save the system, which will provide insurance companies with profits they deem high enough to justify remaining in business in Maine, and will keep insurance rates affordable for Maine business.

We all want to make sure that workers' compensation remains available in the state. We all want rates that are reasonable for employers. As a small business owner, I can certainly understand the need for affordable rates. And, we all want to protect injured workers. At least, I hope we all want to protect injured workers.

What's missing in this debate? What's lacking here? Throughout this debate, I have noticed that one aspect of the system has not received the attention of other factors. We've heard a lot about rates, points, actuaries, and benefits.

We have not heard very much about workplace safety. It's very embarrassing, it's outrageous, really--but Maine continues to have the worst safety record in the nation. I just saw a report this morning that shows Maine had fifteen workplace deaths last year--highest in the Northeast. The other state that is closest to this dubious mark is Connecticut with five deaths last year. We all know that accidents happen, but when we see statistics like this, it should sound an alarm for all of us.

Our workplace accident rate is fifty-eight percent above the national average. That is the underlying problem with our system. Maine workers continue to be hurt at an astounding rate - sixty-thousand employees each year.

Who is asked to sacrifice under this reform to head off this crisis? Why, those who are already suffering, of course--the injured worker! They are taking the sixty-five point cut. The rating system, apparently, can only account for a savings of 1.5 points.

And who carries the burden of reform? Why, the employees, of course! What will happen to the injured worker whose benefits expire? Who is not rehired by the company? Who is forced to relocate after retraining? I think our municipalities will end up seeing a dramatic increase in applications for general assistance. This once productive worker will be forced to turn to welfare to survive.

I know our committees have worked very hard to work out a compromise. I have the utmost respect for the chairs of the Labor and Banking and Insurance Committees. But, with all due respect, I will not succumb to the political blackmail we have been subjected to.

Is safety a legitimate concern? Ask the railroad workers, who are risking losing their jobs to protest the loss of one of their own, to protest gross negligence and incredible disregard for safety. Lives, limbs, and families are being lost. Safety is certainly a concern for those brave workers. It is for me, too. And what about this fresh start proposal? What this proposal entails is guaranteed profits for the insurance industry and the threat of huge rate increases for small businesses.

The overriding concern for all of us should be the health and safety of our constituents. I know this process has been hectic. We are all under tremendous pressure.

For those of you who think that this package is the end of the workers' compensation story, I have bad news. This issue will be back. Benefits will come under attack again. History has proven that once you given in to ultimatums, ultimatums will continue to be issues. The insurance companies will be back, asking for more. It is only a matter of time.

I want you to know that we do not have to give in to blackmail. There are other vehicles to head off this crisis. You can join me in voting "no", resist strong arm tactics, and continue to say that the health, safety, and welfare of Maine citizens remains your paramount concern. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Arostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President and members of the Senate. I would like to begin by acknowledging my good friend and colleague from Kennebec, Senator Bustin. I would like to express my appreciation for all that she contributed to this Bill and even though she is voting against the Bill, I want you to know that she has left her mark on the Bill in many ways. From some of her ideas, I am sure that the future will tell us that she put in that Bill to help to address this safety problem that you had mentioned. While I am at it, I would like to had out a few bouquets to the other members of the Committee. I was extremely happy and pleased to work with such dedicated individuals. Every single one of them contributed greatly to putting this Bill together and on every page those of us who are in that Committee can recognize this word or that phrase that was placed in there by those members. You can rest assured that the committee did not waste any time and that the committee worked diligently.

We worked hard and there were times that we felt like giving up, but there was always one member that would grab the ball and push forward and sort of urge us on. Every time we would make a little more head way. The last day before this Session we were still trying to come together, but when the final vote came we were all there. Even though our good friend and colleague from Kennebec voted against this Bill, I know that she was there with us at the forefront pushing forward and I certainly thank her for that.

I am not here this evening to defend the accident rate in Maine. I also think it is atrocious. But we are doing something about it. This Bill is going to make it so uncomfortable for those very few employers, and I want to emphasize very few employers, in this State that do not care about safety in the workplace. In the past it was financially advantageous for them, those particular individuals, to pay the premium rates rather than spend the money on trying to make the workplace safe. This has been changed. This Bill will take care of those serious problems that exist in the state. It is possible under the provision of this Bill that an employer who would have an extreme record could pay two, three, four, five hundred percent above the regular premium. I suspect that those serious employers that want to stay in business will certainly take the appropriate action necessary to assure that they will stay in business. There has been some mention that we were sort of unconcerned about the injured worker. Although it was not in my committee, I could hear what was going on and I also attended many of their sessions when we were not working on our Bill. When you hear such things as

being proposed and accepted by the Committee like in certain situations if the individual has the mental capability and the need that that person could pursue and achieve a college education by virtue of this Bill. To me that is worth a lot. Also the emphasis of this Bill was to put the people back to work and what more noble objective is there than that and it certainly does that.

In the end, I am sure that those individuals that we put back to work will be happier than if they were left home often just to vegetate and I am sure that in time we will learn that this Bill is extremely, extremely far-reaching. I really feel that we are at a cross road here. It is really a moment in history that we are participating in right now. A moment that will make the difference in this state as far as the working people go and will also display the kind of attitude that Maine people have towards their workers. There are many things that are done in this Bill and some of you have heard of them, but I would like to briefly touch on some of those points. A very important part of our Bill is the process of rate making. This is when they will determine the rates that insurers will charge the insured. To make sure that this process was fair and just and all encompassing, we have instituted in the Bill a public advocate who will represent all to make sure that the rates that are finally agreed to are fair and just. Not necessarily the lowest rate, nor the highest rate, but the fair and just rate because it is equally bad to have a rate that is too low that has gotten some of our good friends in trouble in the past. And probably the most important thing that we did in this Bill is we created the climate for the insurance companies to come back to Maine. They were gone.

This meant that one January we would have no coverage for our workers and they were cooperative enough to assist us to come to a solution that would lure them back to Maine and they had reasons to have had bad memories in Maine. Last year they lost 125 million dollars in the pool. That is a good enough reason to leave the State. And they have been telling us this story for the last six or seven years, but we failed to believe them. We even went so far as to say that you can't have a rate increase. As a matter of fact, we wanted them to have a refund at one time or a drop in rates. So all of this eventually caught up with us and here we are. It is a basic premise that all of us know but sometimes forget in order for anyone to stay in business - they have to make a profit. This is recognized in this Bill. It was mentioned in passing that we sort of in the fresh start portion of the Bill created an assured revenue or no loss situation for the insurance companies. This sounds like that, but it really is not like that. The way it is set up is if an insurance company places anyone in the pool, they are barred from making a profit from that pool. If there is a profit realized by the pool, they have to return that profit to those who pay the rates. Consequently, I would suspect that an insurance company that is in business to make money will certainly not leave those insured in the pool if they don't have to be there because from the point of beginning they know they cannot make a cent from that particular individual. We have also established a mechanism to gather information and data that decision-makers need in order to make decisions. Up to this point, most of our decisions have been made on hear say, on whatever bits of information we could get together. That is not sufficient. We need good hard information. This information will be available to us in the future and we are not going to put this

Bill in gear and forget it and let it run wild on its own. We have a monitoring system established where we will constantly monitor the effect of this Bill and if there is anything that is out of kilter that should be addressed and looked at at anytime, we will recognize it and take the appropriate action.

There are many other things done in this Bill, many of them subtle. But it is a far-reaching Bill and I think that it is certainly worthy of your support and I am sure that the future will tell us that this evening was really and truly a moment in history. Thank you.

On motion by Senator DUTREMBLE of York, Senate Amendment "B" (S-307) READ and ADOPTED.

On motion by Senator BUSTIN of Kennebec, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED.

A vote of Yes will be in favor of PASSAGE TO BE ENGROSSED AS AMENDED.

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 BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, CAHILL, CLARK, COLLINS, DILLENBACK, DOW, DUTREMBLE, EMERSON, ERWIN, ESTES, GAUVREAU, GILL, GOULD, KANY, KERRY, LUDWIG, MATTHEWS, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, USHER, WEBSTER, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators ANDREWS, BUSTIN

ABSENT: Senators None

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, with No Senators being absent, the Bill was PASSED TO BE ENGROSSED AS AMENDED, without reference to a Committee.

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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to Prevent Potential Nematode Infestation" (Emergency)

H.P. 1416 L.D. 1921

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-430).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-430)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-430) READ and ADOPTED, in concurrence.

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

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

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

ENACTORS

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

An Act Relating to Out-of-court Statements made by Minors

H.P. 1383 L.D. 1885  
(C "A" H-429)

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

Emergency

An Act to Amend Certain Powers of Hospital Administrative District No. 4

H.P. 1419 L.D. 1930

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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.

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

ENACTORS

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

Emergency

An Act Concerning the Commission to Implement the Computerization of Criminal History Record Information

S.P. 695 L.D. 1920

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 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.

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

ENACTORS

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

Emergency

An Act to Amend the Motor Vehicle Financial Responsibility Law

H.P. 1418 L.D. 1923

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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.

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

ORDERS

Joint Resolution

On motion by Senator BRANNIGAN of Cumberland (Cosponsored by: Representative DORE of Auburn, Representative RYDELL of Brunswick, Representative KETOVER of Portland) the following Joint Resolution:

S.P. 708

JOINT RESOLUTION IN SUPPORT OF INCREASED SOVIET CONSIDERATION OF HUMAN RIGHTS

WHEREAS, hundreds of thousands of Jewish people seek the freedom to emigrate from the Soviet Union; and

WHEREAS, many more years for a reassuring affirmation that the new Soviet "Glasnost" will extend its openness to include greater cultural and religious freedom for its citizens; and

WHEREAS, we are encouraged by the direction taken by General Secretary Gorbachev, as demonstrated by the number of high-profile "refuseniks" who have been released, the increase in the monthly number of Jewish people who have left the Soviet Union, and the liberation of the last Jewish Prisoner of Conscience; now, therefore, be it

RESOLVED: That We, the Members of the House of Representatives and the Senate of the 113th Legislature, express our hope that the Soviet Union will meet the call for freedom and human rights. We offer our support to the citizens of Maine who will be in Washington, D.C., on December 6, 1987, to convey to the Soviet Union that its sincerity and commitment in all bilateral issues will be judged by and held accountable to its upholding of the Helsinki Human Rights Accord. We encourage the Soviet Union to express an obligation to allow unrestricted emigration for Jewish people in the Soviet Union; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Soviet embassy in Washington, D. C., with the intent that this message be forwarded to General Secretary Gorbachev and the appropriate Soviet authorities.

Which was READ and ADOPTED.

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

Off Record Remarks

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. 709

ORDERED, the House concurring, that the following specified matters be held over to the next regular session of the 113th Legislature:

COMMITTEE	BILL
Appropriations & Financial Affairs	(H.P. 1404) (L.D. 1904) - AN ACT Concerning Implementation of Weatherization Assistance to Maine's Elderly.

Which was READ and PASSED.

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

Senate at Ease  
Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System

S.P. 701 L.D. 1926

In Senate, November 19, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-433) in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Resolve, to Extend the Interim Reporting Deadline of the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute

S.P. 702 L.D. 1927

In Senate, November 19, 1987, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-434) in NON-CONCURRENCE.

On motion by Senator PERKINS of Hancock, the Senate RECEDED and CONCURRED.

ORDERS OF THE DAY

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

Bill, "An Act an to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers"

S.P. 685 L.D. 1914

Tabled - November 19, 1987, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, November 19, 1987, veto communication READ and ORDERED PLACED ON FILE.)

(In Senate, October 10, 1987, PASSED TO BE ENACTED, in concurrence.)

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

On motion by Senator USHER of Cumberland, ADJOURNED until Friday, November 20, 1987, at 10:30 in the morning.