

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
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FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987
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SECOND SPECIAL SESSION

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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

because it didn't, workers in our state will continue to be protected as of January 1st.

What is perhaps the most striking about the work that has been done in these long days of the past month is that Maine's Workers' Compensation system has not only been stabilized but it has been strengthened. The retraining and rehabilitation programs mandated in this legislation, the focus on helping workers return to productive lives, the emphasis on safety in the workplace, they are all significant additions to our current law.

I also want to take this opportunity to publicly thank members of my staff who worked as tirelessly as those of you in this chamber, particularly Susan Collins and Joe Edwards for their commitment to forging a stable and strong workers' compensation system. I feel extremely fortunate and I feel that the state should feel extremely fortunate to have people of their dedication and their caliber working for us in state government. I wish that Dave Dutremble was here because I would also like to thank him for having his son Dennis. (applause) (I just wanted to even that out.)

Seriously, workers' compensation has, in the past few months, taken the time, the energy, and even the sleep of a great many of us in this room. The crisis with which we were confronted forced us all into a defensive and reactive position. Well, the crisis is over and thanks to all of you, we have been able to solve it and solve it in a way that I think benefits the people of this state.

I look forward to addressing in a very proactive way, a number of challenges and opportunities that we are going to be facing in the future in this state, whether it is challenges such as growth management or education or welfare reform. I think this special session has confirmed my belief that we can work together and, when we do, we can do much for this state.

I look forward to having you back in Augusta in January for the Second Regular Session of the 113th Legislature. Thank you very much and congratulations. (Applause, the audience rising.)

At this point, a message came from the Senate borne by Senator DUTREMBLE informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Chair recognizes the Representative from Wells, Representative WENTWORTH.

Representative WENTWORTH: Mr. Speaker and Members of the House: I move the House stand adjourned sine die.

The SPEAKER: The Representative from Wells, Representative Wentworth, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 4:47 p.m., Eastern Standard Time, Friday, November 20, 1987, the Speaker declared the House adjourned without day.

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

In Senate Chamber
Friday
November 20,

1987

Senate called to Order by the President.

Prayer by the Honorable Edgar E. Erwin of Oxford.

SENATOR ERWIN: Let us pray. Our father may Thy spirit be upon us today. Guide us as we carry out our responsibilities. May we work together and be mindful of our capabilities and our limitations as we attend to the needs of those we represent. May we remember that our goal today is to attack and defend the individuals of this state who have placed their faith in our compassion and in our sense of justice. Grant us the wisdom to work together as one and to cooperate with one another. May the pursuit of common goals bind us together in harmony. Amen.

Reading of the Journal of Thursday, November 19, 1987.

Off Record Remarks

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

Senator DUTREMBLE of York was granted unanimous consent to address the Senate off the Record.

On motion by Senator PEARSON of Penobscot, 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:

ENACTORS

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

Emergency

An Act to Exempt the First Certificate of Need Continuing Care Retirement Community Demonstration Project from Certain Requirements

S.P. 699 L.D. 1924

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative, and 28 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.

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

Senator PERKINS: Mr. President, having voted on the prevailing side, I now move reconsideration and I would urge you to vote against my motion.

Senator PERKINS of Hancock moved to RECONSIDER ENACTMENT.

A Viva Voce vote being had, the motion of Senator PERKINS of Hancock to RECONSIDER ENACTMENT, FAILED.

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 Related to the Numbers Pool in the Tri-State Lotto

S.P. 707 L.D. 1931

Which 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 Provide Staff for Improvement of Corporation Filing Services within the Bureau of Corporations

S.P. 675 L.D. 1908
(C "A" S-302)

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

Senator BERUBE: Thank you Mr. President, I would like to tell you what we are doing here. As you may recall, there were two reports, a Majority Report and a Minority Report. What this Bill does is create three permanent full-time positions to unravel a mess that has been going on for quite some time in the corporation division of the Secretary of State's Office. There are presently, with the help of sixteen thousand dollars that are emergency monies, the are in the process of hiring two contracted positions in order to unravel this problem down there. I must also add that we, the Appropriations Committee, about a year or so ago had cut back two positions that were given to the Legislature and we reinstated those two positions recently. So, they have the two positions, they are getting three news ones permanently, that is five, they are getting two temporary contracted positions, which could be seven permanent come January. I just thought you should know because with so many other problems coming up next year, curtailment, cut backs, grants etc., I feel that I cannot justify increasing staff just to unravel an immediate problem. Once it is unraveled then we have all of this additional staff. Thank you.

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

Senator PEARSON: Thank you Mr. President, men and women of the Senate. For quite some time I struggled, as well as the rest of the Committee struggled, with this problem and on a number of different occasions we turned down increases in staff in the Bureau of Corporations. It became evident to me, after quite a good deal of convincing, that it was necessary because the number of filings has gone up tremendously fast and that the back log is months in order to get corporation filing.

With the tremendous increase in the number of filings, I think it is over fifty percent in a year, that the fees that are in the Bill for filing will take care of all of the costs of this added personnel that we are talking about in this Bill. You may have gotten some letters from lawyers from time to time protesting how slow it was, well this was what it was all about.

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

Senator KERRY: Thank you Mr. President, ladies and gentlemen of the Senate. I just want to briefly

address this issue because in the last few months I received numerous requests from various constituents, not necessarily lawyers by the way, requesting assistance in trying to resolve the development of their particular corporate structures. In many cases, they are small businesses that due to tax considerations and other things they have to file corporate papers prior to the end of the year and I think it is very important that this issue be addressed as soon as possible. In addition to that, several months ago I discussed with several people in the Secretary of State's Office the loss of revenues that the state is actually experiencing because we are not able to address these issues in an expeditious fashion. I would recommend that it is prudent that we do provide staff because the cost benefit analysis, if you will, will be positive and we will also be providing a very essential service to many people who obviously have a difficult time dealing with government. I think we would be sending out a message to people that although sometimes these things seem complex that the Legislature can act in accordance and expeditiously when necessary. I support the motion of the good Senator from Penobscot, Senator Pearson, on this matter.

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 5 Senators having voted in negative, and 28 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 Prevent Potential Pest Infestation

H.P. 1416 L.D. 1921
(C "A" H-430)

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 Resolve

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
(H "A" H-433)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED 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 Resolve

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
(H "A" H-434)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator PEARSON of Penobscot, 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:

COMMUNICATIONS

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND THIRTEENTH LEGISLATURE

November 20, 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 Energy and Natural Resources has had under consideration the nomination of Margaret M. Roy of Cornish, for appointment to the Board of Environmental Protection.

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 9

NAYS: 1

ABSENT: 1 Sen. Tuttle of York

Eleven members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Margaret M. Roy of Cornish, for appointment to the Board of Environmental Protection be confirmed.

Sincerely,
S/Ronald E. Usher
Senate Chair
S/Michael H. Michaud
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator TUTTLE of York, the vote Tabled until Later in Today's Session, pending CONSIDERATION.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Specially 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.)

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

Senator COLLINS: Thank you Mr. President, men and women of the Senate. As you may recall, this Bill originally was an attempt to deal with the workers' compensation problem in a different manner. It was a Bill that provided for all insurance companies doing business in Maine that offered workers' compensation insurance in another state to also offer it in the state of Maine. I am sure that you have read the Governor's message and I hope that you will sustain the veto, recognizing that we are resolving this problem in another fashion today. Thank you.

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

Senator BALDACCI: Thank you Mr. President and members of the Senate. I do not hold any illusions and thoughts that the veto is going to be overridden here today. There are some questions as to the way some of the language is drafted, but there is a point here in all of this discussion that needs to be raised again. That is that the insurance companies that threaten to leave the state in the workers' compensation market, that threaten to say that they are going to leave because they are not making any money, but at the same time are offering other lines of coverages in the state, whether it is product liability, whether it is automobile insurance, or any other types of insurance, they are still making money here in the state of Maine. Liberty Mutual just took over St. Joseph's Hospital in Bangor as far as its health care and offering to the employees a deductible plan where they take over their automobile insurance. So, Liberty Mutual has not left the state, Liberty Mutual has left the workers' compensation field. The disgusting point to me, as it was when we first took this Bill up at midnight that special session day and night, was that the situation got this bad, that it wasn't just Liberty Mutual but it was every other single insurance company in this pool that said we are going to follow Liberty's example. It was a company that didn't play by the rules that was walking out of the state and nothing happened to that company and it was still able to have its other types of insurance in the state of Maine. It was still able to cover automobile, product liability and everything else, and it was allowed to leave. You know the structure of the workers' compensation system, high benefit structure, low rate structure, so would you blame them and all the other insurance companies if they decided that they wanted to get out of that particular field? I wouldn't, and they didn't, they

all got in line behind them. So, I think this Bill represents a message, I am not happy about the way it was handled by this administration, by the Bureau of Insurance, I think in this particular instance committed and almost impeachable offense to the citizens of the state of Maine. I really gets my blood boiling when I see these things happening and I see nobody there to protect the citizens, the industries and the state of Maine and today they are all getting termination notices of insurance coverage, as of January 1, 1988. We have been thrown into this crisis and we have acted responsibly, we have given an environment in which they can come back and have the types of coverage, but at tremendous cost.

It is my suggestion to the Bureau of Insurance and to this administration, which has been in office a little over a year, that they do something a little bit better in the future when it comes to these situations, whether it is medical insurance, whether it is any other types of insurance protection and we don't allow it to get to this situation where we are involving ourselves in a crisis and we have to react, because frankly, I don't think it is the best way to approach making prudent policy decisions. If Liberty Mutual wanted to leave the state of Maine, then they had a right to take all their other policies that they were covering and leave the state of Maine. But, no, we have changed the system, we have made it more attractive and at a tremendous cost and I think we have acted very responsibly and I think the people of this state can thank every member of the Legislature for the action that they have taken here today. It is too bad sometimes in Washington they don't act as responsibly as the people here in the state Legislature in Maine do, but that is another story. I would just like to point out that I intend to vote, a message basically as to what should have happened and what hopefully will happen in the future. Thank you Mr. President.

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

Senator GAUVREAU: Thank you Mr. President, men and women of the Senate. The subject matter of this message to the Senate discerns me greatly. I listened to the remarks from my colleague the good Senator from Penobscot, Senator Baldacci, and I find myself in alignment with him in terms of philosophy. I agree conceptually that insurance companies which enter the Maine market should be required to assume a certain degree of risk along with highly profitable lines of insurance. There is nothing fundamentally flawed in the concept of the measure which this Body adopted a few weeks ago. I am somewhat concerned about the tenor of the Governor's message to this Body, it seems a bit short and perhaps not mindful of the responsibilities of this Chamber to address the overriding issue in this workers' compensation imbroglio, that of course being to afford a modicum, affordable worker's compensation insurance to all employers and employees in this state. I certainly was somewhat concerned with the language adopted and deployed in the Governor's message.

I do have some technical concerns with respect to the language in the measure which this Body did pass and I in fact supported that measure. It strikes me that the pending Bill would require an insurance company which is writing any degree of insurance on the voluntary market to assume a pro rata amount of the residual market and it could well be that a company for whatever reason be writing unprofitable insurance in the voluntary market. That being the case, it seems to me that this Bill would amount to mandatory episcopatory practices by the state with

respect to some small and few insurance companies. That problem might be compounded with respect to companies which are writing very special policies in this state, for example in the health insurance market. So, it strikes me as currently drafted, the measure we passed, although clearly philosophically sound, might have some constitutional defects and that is where I have the problem today.

I have listened with a good deal of concern to the somewhat intemperate tenor of remarks which followed this Body's enactment of that measure. In all candor, I feel the appropriate respect to this Body was not accorded by some who proffered responses to the measure we adopted. But, I do have an obligation to only support those measures which, at least in my view, comply with our state and federal constitutions. Although emotionally I would very much like to vote to sustain the override of the Governor on this matter, I feel that the technical flaw, which I perceive in the law, is of such measure as to call into question the Bill's constitutionality and for that reason and comporting with my sworn obligations only to support measures which I think will pass constitutional muster, I will be voting today to sustain the Governor's override. But, I rise on this occasion today to make it very clear that I fully support the philosophy embraced in the measure before us and I would certainly support other legislative initiatives along those lines, I think it is very sound policy in this state and I do not want my vote, which is being cast on very narrow technical grounds, to be construed as embracing a philosophical concurrence with the views expressed by the Governor on this measure. Thank you.

THE PRESIDENT: The pending question before the Senate is: Shall this Bill become law notwithstanding the objections of the Governor?

In accordance with Article 4, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators, ANDREWS, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, KANY, MATTHEWS, USHER, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators, BLACK, BRAWN, CAHILL, COLLINS, DILLENBACK, DOW, EMERSON, GAUVREAU, GILL, GOULD, KERRY, LUDWIG, MAYBURY, PEARSON, PERKINS, RANDALL, SEWALL, THERIAULT, TUTTLE, TWITCHELL, WEBSTER, WHITMORE

ABSENT: Senators None

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, with No Senators being absent and 13 being less than two-thirds of the membership present and voting the veto is SUSTAINED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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 Improve the Maine Workers' Compensation System

S.P. 704 L.D. 1929
(S "B" S-307)

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.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENACTED.

A vote of Yes will be in favor of PASSAGE TO BE ENACTED.

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 2 Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Nomination of Margaret M. Roy of Cornish, for appointment to the Board of Environmental Protection.

Tabled - November 20, 1987, by Senator TUTTLE of York.

Pending - CONSIDERATION

(In Senate, November 20, 1987, Communication READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Margaret M. Roy of Cornish, for appointment to the Board of Environmental Protection be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL 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 THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BLACK, BRANNIGAN, BRAWN, BUSTIN, 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

ABSENT: Senators None

1 Senator having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 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 Margaret M. Roy, for appointment to the Board of Environmental Protection was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

On motion by Senator WEBSTER of Franklin, 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

Joint Order

The following Joint Order: H.P. 1421 ORDERED, the Senate concurring, that the Joint Standing Committee on Labor report out Bill "An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes," H.P. 1415, L.D. 1919, to the House.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator BERUBE of Androscoggin, 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:

SENATE PAPERS

Bill "An Act to Make Technical Corrections in the Workers' Compensation Act" (Emergency)

S.P. 710 L.D. 1932

Presented by Senator DUTREMBLE of York

Committee on LABOR suggested 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.

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

Non-concurrent Matter

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

S.P. 700 L.D. 1925

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

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Reform the Maine Workers' Compensation Act to Assure Coverage for Maine Workers" (Emergency)

S.P. 703 L.D. 1928

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

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

On motion by Senator BUSTIN of Kennebec, the Senate RECEDED and CONCURRED.

Off Record Remarks

On motion by Senator ESTES of York, 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:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes" (Emergency)

H.P. 1415 L.D. 1919

Reported that the same Ought to Pass.

Signed:

Senators:

DUTREMBLE of York
ANDREWS of Cumberland

Representatives:

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

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

Signed:

Senator:

COLLINS of Aroostook

Representatives:

WILLEY of Hampden
HEPBURN of Skowhegan
BEGLEY of Waldoboro

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-435) AND "B" (H-436).

Which Reports were READ.

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

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

Senator COLLINS: Due to a technical malfunction remarks can not be transcribed.

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

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

Senator DUTREMBLE: Due to a technical malfunction remarks can not be transcribed.

THE PRESIDENT: The pending question before the Senate is the motion of Senator DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS Report, in concurrence.

A vote of Yes will be in favor of the motion of Senator DUTREMBLE of York to ACCEPT the Majority OUGHT TO PASS Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators BALDACCI, PEARSON, TUTTLE

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator DUTREMBLE of York, to ACCEPT the Majority OUGHT TO PASS Report, in concurrence, PREVAILED.

The Bill READ ONCE.

House Amendment "A" (H-435) READ and ADOPTED, in concurrence.

House Amendment "B" (H-436) 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.

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

After Recess

Senate called to order by the President.

At this point, a message was received from the House of Representatives, borne by Representative DIAMOND of Bangor, informing the Senate that the House had transacted all the business before it and is ready to Adjourn Without Day.

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 to Encourage Prompt and Peaceful Settlements of Labor Disputes

H.P. 1415 L.D. 1919
(H "A" H-435; H "B" H-436)

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

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENACTED.

A vote of Yes will be in favor of ENACTMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators BALDACCI, GOULD, PEARSON, TUTTLE

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being absent, the Bill 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 Make Technical Corrections in the Workers' Compensation Act

S.P. 710 L.D. 1932

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 2 Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ORDERS

On motion by Senator DUTREMBLE of York the following Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President appointed Senator DUTREMBLE of York to deliver the message to the House. The Assistant Sergeant-At-Arms escorted the Senator to the House of Representatives.

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

On motion by Senator CLARK of Cumberland the following Order:

ORDERED, that a message be sent to His Excellency, Governor John R. McKernan, Jr., informing him that the Senate has transacted all business which

has come before it and is ready to Adjourn Without Day, and extend an invitation to him to make such communication as pleases him.

Which was READ and PASSED.

The President appointed Senator CLARK of Cumberland to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Subsequently, Senator CLARK of Cumberland reported that she had delivered the message with which she was charged, and informed the Senate that the Honorable JOHN R. MCKERNAN, JR., Governor of the State of Maine, would attend forthwith.

Senate at Ease

Senate called to order by the President.

At this time, His Excellency, Governor JOHN R. MCKERNAN, JR., entered the Senate Chamber amid applause, the Members rising.

GOVERNOR JOHN R. MCKERNAN, JR.: Thank you very much. Mr. President, members of the Senate of the 113th Legislature, Jonathan Swift once said, "it was a bold man who first dared to eat an oyster" well, it was a bold Legislature which was willing to sink its teeth into such an extremely difficult and decisive issue as workers' compensation. Thirty days ago, the start of this Special Session I told you that I was confident that I would be back to commend you for confronting and resolving a very real crisis. Well, today I am here to do that and more. Because I am absolutely convinced that we have sent a signal to people in this state that the Executive and Legislative Branches of government have proven that the system works. To the tremendous credit of the Labor and Banking and Insurance Committees the process from the start was marked by a desire to do the very best for the people that we all serve. Even though that meant making some very difficult decisions and some hard choices. Robert Frost once observed that the only way around is through and that is rarely, however, the easiest or most comfortable path.

Today, I want to thank this Legislature for having the courage to stick to the high road. What might have quickly and easily degenerated into a fierce political squabble didn't and because it didn't workers in our state will continue to be protected against workplace injuries as of January 1, 1988. What's perhaps most striking, though, about the work that was done in the long days of the past month is that Maine's workers' compensation system has not only been stabilized, but I believe it has been strengthened. The re-training and the rehabilitation programs that are mandated in this legislation, the focus on helping workers return to productive lives and the emphasis on safety in the workplace, I believe, are all significant improvements over the current law.

I really want to take this opportunity to also thank members of my staff and most particularly Susan Collins and Joe Edwards for their commitment and their dedication to forging a workable workers' compensation system. I feel that all of us in this state are extremely fortunate to have people of their dedication and of their caliber working in state government. I also, before you today, want to personally thank Senator Theriault, Senator Collins and particularly Senator Dutremble, who has worked tirelessly to protect the workers of this state and who in the process, in my mind, has also displayed incredible courage, leadership and statesmanship.

Finally, workers' compensation has, I think, taken the last few months much of our time, much of our energy and much of our sleep, but the crisis which we were confronted with and which forced us all into such a defensive mode has in fact been resolved and it has been resolved in the best interest of the people of this state. The crisis is over and I look forward to addressing in a very proactive way a number of challenges and opportunities that are state still faces. Challenges such as growth management, education, and welfare reform. This Special Session has, in fact, confirmed my belief that working together there is much that we can do for this state. I know that you are all anxious to leave, but I want you to know that I look forward to having you back in January for the Second Regular Session of the 113th Legislature. Congratulations and thank you very much.

Whereupon, the Governor retired from the Senate Chamber, amid applause, the Members rising.

On motion by Senator EMERSON of Penobscot, at 4:52 p.m. on Friday, November 20, 1987, the Honorable CHARLES P. PRAY, declared the Senate of the Second Special Session of the 113th Legislature, Adjourned Sine Die.