

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME VII**

#### **SECOND REGULAR SESSION**

Senate

March 10, 1992 to March 31, 1992

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#### **HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

December 5, 1990 to December 1, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE  
THIRD SPECIAL SESSION  
3rd Legislative Day  
Saturday, October 3, 1992

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

Prayer by Reverend Edward Hatch, Palermo Christian Church.

The Journal of Friday, October 2, 1992, was read and approved.

(At Ease to Gong)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

Bill "An Act to Reform the Workers' Compensation Act and Workers' Compensation Insurance Laws" (EMERGENCY) (H.P. 1783) (L.D. 2464) which was passed to be engrossed as amended by House Amendments "B" (H-1339); "I" (H-1353); "O" (H-1368); and "C" (H-1340) as amended by House Amendments "A" (H-1345), "E" (H-1350), "H" (H-1356) and "J" (H-1359) thereto in the House on October 2, 1992.

Came from the Senate failing of passage to be engrossed as amended by House Amendments "B" (H-1339) and "C" (H-1340) as amended by House Amendments "E" (H-1350) and "H" (H-1356) and Senate Amendment "C" (S-796) thereto in non-concurrence.

On motion of Representative Gwadosky of Fairfield, the House voted to recede from engrossment.

Senate Amendment "C" (S-796) to House Amendment "C" (H-1340) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I request the yeas and nays. I also ask that someone in the House explain this amendment, please?

The SPEAKER: The Representative from Waldo, Representative Whitcomb, has posed a question through the Chair to anyone who may respond if they so desire.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will agree to adopt Senate Amendment "C." This amendment simply deletes some language in the bill which declassifies and makes political appointments. In fact, what this amendment would do is it would allow the Board to have the flexibility (that we have all talked about) that is important that they maintain.

The positions that it would declassify have not

even been created yet so it would give them the flexibility of making these decisions when the positions are created.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is adoption of Senate Amendment "C" (S-796) to House Amendment "C" (H-1340). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 476

YEA - Adams, Aliberti, Bell, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Daggett, Dore, Dutremble, L.; Erwin, Farnsworth, Goodridge, Graham, Gurney, Hale, Handy, Hichborn, Holt, Jacques, Jalbert, Joseph, Ketterer, Kilkelly, Lemke, Lerman, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, Michaud, Mitchell, E.; Mitchell, J.; O'Dea, Oliver, Paradis, J.; Paradis, P.; Pineau, Poulin, Powers, Richardson, Ricker, Rydell, Saint Onge, Sheltra, Simpson, Skoglund, Swazey, Tamaro, Townsend, Tracy, Treat, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, J.; Cashman, Coles, Constantine, Crowley, DiPietro, Donnelly, Farnum, Farren, Foss, Garland, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hichens, Kerr, Larrivee, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Melendy, Merrill, Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Ott, Pendexter, Pendleton, Pines, Plourde, Pouliot, Reed, G.; Reed, W.; Richards, Ruhlin, Salisbury, Savage, Simonds, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Tardy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Anthony, Chonko, Cote, Duffy, Duplessis, Gean, Heeschen, Hepburn, Hoglund, Hussey, Kontos, Kutasi, McKeen, Michael, Parent, Paul, Pfeiffer, Rand, Rotondi.

Yes, 57; No, 74; Absent, 19; Vacant, 1; Paired, 0; Excused, 0.

57 having voted in the affirmative and 74 in the negative with 19 being absent and 1 vacant, the motion did not prevail.

The SPEAKER: The pending question before the House is adoption of House Amendment "C" (H-1340) as amended by House Amendments "A" (H-1345); "E" (H-1350); "H" (H-1356) & "J" (H-1359) thereto.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, I request the yeas and nays.

Mr. Speaker, Ladies and Gentlemen of the House: I think we all know what this is about. We have a bill before us that still contains some amendments that reduce the cost savings as a result of the Blue Ribbon Commission Report. I think it would be unfortunate if we at this point in time did not make some major changes in that piece of legislation.

However, I guess it is the will of the majority

of this body that will prevail.

We were here by our own design, we create a commission by our own intent, so it seems to me that the logical step would be for us to listen to the words of that commission and do what we have been unable to do at this point in time, which is to send something forward that changes (dramatically) the course of Maine's Workers' Compensation System. Unfortunately, this bill before us now as amended doesn't accomplish that task, both to the benefit of the workers of Maine and to those who try to employ workers.

I urge you to vote against the motion before us.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, I would like to pose a question through the Chair.

To the Representative from Waldo, Representative Whitcomb, it is an important point. The Representative from Waldo has suggested that the bill as amended now would actually increase the cost or actually decrease the savings that have been created by this bill. I wonder if the Representative could point out those areas of the bill as amended in which we would decrease the savings from the original Blue Ribbon Commission Report?

The SPEAKER: The Representative from Fairfield, Representative Gwadosky, has posed a question through the Chair to the Representative from Waldo, Representative Whitcomb, who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I have been asked a specific question. Frankly, I think the amendment as has been explained to me to have the greatest immediate cost impact is House Amendment "E." That would dramatically change the schedule of payment out into the future. I think perhaps it would be better if other members who have an easier ability to explain the issue would describe it in greater detail.

I think it is unfortunate that the amendment on the bill that is there under the pretext of helping veterans is not necessarily just a cost item but is also an item that creates a loophole that in fact goes back to the system that we are now trying to reform. I think each one of these amendments, again, raises an issue that was before the Blue Ribbon Commission, that the commission considered in-depth and chose to not include in the bill or in the list of amendments that we adopted in this body which were the Blue Ribbon Commission amendments.

It goes back to whether we want to keep trying to amend a commission report that we charged to provide us with a concrete base to start or whether we want to proceed with that report. That's the point I am trying to make.

The SPEAKER: Before we go any further, I just want to make sure that we clearly understand that the pending question before the House is on House Amendment "C" (H-1340) only. It does not involve House Amendment "B." The pending question before the House is adoption of House Amendment "C" (H-1340) as amended by House Amendments "A" (H-1345); "E" (H-1350); "H" (H-1356) & "J" (H-1359) since those are still attached to our amendment and that was the position in which it left this body.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I want to follow up on my initial concern that there is a suggestion that we are increasing the cost, we are decreasing the savings from this package. That has been raised a couple of times and it is important to clarify in people's minds whether that is accurate or not. Many of us have attempted to go through this process assuring that we wouldn't reduce the cost or increase the savings developed in this bill.

Keep in mind that the actuarial report on savings from this bill were done on the original Blue Ribbon Commission Report. That was approximately 12 percent or maybe a little bit more than that. In subsequent years, that savings increased dramatically. The initial savings are only about 12 percent. I say only because in any given year, based on the reforms we just made last year, and we made reforms in 1987, we have made substantial reductions into the cost of Workers' Comp but when you go from year to year and you don't allow even your pre-existing reforms to take effect, you begin to lose some of those cost savings. So, the most we could get at this point with the Blue Ribbon Commission Report itself was 12 points.

If you decide that we need to have more point savings from the Blue Ribbon Report, there's only two options that I am aware of that will create more cost savings. One is to make unilateral cuts, not only across-the-board for injured workers, but make those unilateral cuts retroactive. If you are serious about creating cost savings from last year to this year beyond 12 percent for Maine employers, as I think we all are, you have to make a determination whether you are willing to cut benefits for all injured workers retroactively. That was the suggestion of the Maine Chamber when they advanced one of their memorandums just in the past month.

I don't see this legislature going after benefits that are being provided to injured workers retroactively. If that is the case, where do you go from there? We have a package that has been advanced by the Blue Ribbon Commission, they have approved no less than 46 amendments to their own report. Ironically, some of the amendments that we have added, and they are fairly insignificant compared to the amendments the Blue Ribbon Commission accepted on their own report, go back to the original bill. We would probably have only 44 amendments now, maybe 43 amendments to the original Blue Ribbon Commission Report because these amendments take the language and put it back to the original bill to some extent.

There was a question raised about benefits, that we are somehow increasing benefits. It was in reference to House Amendment "E" to House Amendment "C" — that we are doing something to the maximum benefit level that is going to increase the cost — it is going to decrease the savings of this package. What this amendment does in House Amendment "E", and I think Representative Pineau has explained it several times on several different occasions, is it deals with the issue of maximum benefits and puts it back into the original bill. So, we are treating maximum benefits as you see in House Amendment "E" the same way we were in the original bill. Why is that important? Because the actuary report was done on the original bill. If the actuary report was done on the original bill, you can't be decreasing cost savings because we are going back to the original bill. It is very important when you go through this

process that you don't attempt to mix the two and it is almost impossible. We know from our own caucuses how difficult it has been trying to understand the various differences.

Look at the bigger picture, please. We can talk about half a point, a point — I am convinced with the issue of veterans with disabilities, maybe somebody can make a case prospectively but that is going to cost somebody, maybe we can make a case that is not fair — you have got to take a look at the bigger picture. What are we trying to accomplish here? We are trying to put together a Labor/Management group that will run this commission once and for all to get rid of this decade worth of adversarial relationships between workers and employers. We are trying to put a mutual fund into place to give employers in this state some leverage against the insurance industry — I think that is what we are trying to accomplish. That is the premise of this Blue Ribbon Commission Report. Our perspective is not to load this bill up with amendments, frankly. Our concern and our only concern is making sure that this bill works.

The last thing that I would hope any of us would want to do, Democrats and Republicans, is to put a bill into place that is going to put into jeopardy 24,000 businesses or more come January because of the mutual fund. If we don't put a mutual fund into place that works, you are going to be dramatically increasing the cost of business for every small employer in this state. We just want this system to work. It is not enough just to say, let's pass a bill even if it is a bad bill. We have passed bad bills before, we want to pass a bill that works now, a bill that is meaningful to Maine people. I think we share that.

I have been thrilled with the level of debate over the last two days. We have been in for an awful long time but the debate hasn't been filled with rhetoric. No one in these chambers has laid down ultimatums or threats, we have worked through each amendment, tried to discuss them intelligently, we have had caucuses, tried to reach consensus on what's the most appropriate way and, from our perspective, we have developed a couple of amendments that we think will aid this to make sure that the system will actually work and is fair. We are all, frankly, allowing a great deal of trust into this Labor/Management group to go from here on in. We hope that we can get away from this particular issue that has been thrust to the legislature for the past two decades.

Some people suggest that the legislature is the court of last resort and when labor/management can't resolve it, they come to us and I think that the way it has been for the last two decades. We have a chance to dramatically get beyond that issue at this point, to entrust this with the two groups that have the most at stake, labor and management, allow them to run this system, put a mutual fund in place, give some empowerment to employers in this state so they can finally have some leverage against this insurance system and this insurance industry that hasn't worked well. I think it will be a dramatic change. It is a tremendous opportunity for us all to embrace these proposals.

I do not believe that we should be concerned about a dime here or a nickel there on any of these changes. There are millions and millions of dollars involved in reducing the cost to Workers'

Compensation. We need to begin by making that first step and then improve upon that from here on in.

I would hate for people to think that we are somehow putting amendments on this bill that are dramatically reducing cost savings because I don't believe that that is the case.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: That I should have to rise and answer what is the question of the good Representative from Fairfield based on the discussion in the hallways of this body seems a little bit unusual but let me explain to you exactly why there is a cost shift in House Amendment "E", a substantial cost shift, and further why it will decrease the savings given to us by the actuaries.

The original bill that was propounded by the Blue Ribbon Commission had in it a section on Page 37 for maximum benefit levels under Section 211 that said, "The base rate or the high rate of benefits would be \$441 or 90 percent of the average state weekly wage, whichever was higher." We all know that the state average weekly wage is less than \$441 and specifically it is \$394. The \$441 under that provision, as well as the 90 percent of the average state weekly wage, was going to increase annually by an adjustment. That is provided in the original bill. It is taken from Michigan and the reason it was written in there (and no problem in Michigan) is that the base rate, that is the average state weekly wage, is higher than the stated rate.

The commission never understood that concept to be their agreement. In fact, when they had given it to the actuaries, they gave it to them, that the static rate was to be \$441 and was not to be changed. It was to remain \$441 and the only change would be the average weekly wage and 90 percent of it would be annually adjusted.

House Amendment "E" strips that change in House Amendment "C" of the Blue Ribbon Commission putting it back to the original bill so in fact we have exactly what the other amendments that were proposed and discussed in this body the other night, particularly that of Representative Michaud, which had an annual adjustment of the \$441 being put back into effect. What does that mean? It means, based on last year's — the increase of state average weekly wage of \$394, it grew at 3.4 percent. That means that each and every worker getting maximum benefits next year would get \$15 more. In six years, it would be \$93 more per week per worker in the entire State of Maine. That was not in the original bill. That means that the 12 percent savings would be less.

To tell you why that is so, I refer to a letter received from John Hertzfeld who was the actuary — how did he figure the 12 percent savings relative to this rate? His words are, "My understanding of the bill when I prepared the report for the Blue Ribbon Commission was as follows: the maximum weekly benefit would be \$441 on January 1, 1993. The maximum weekly benefit would remain fixed at \$441 until such time as the 90 percent of statewide average weekly wage was greater than \$441. From that time forward, the maximum weekly benefit would remain at 90 percent of the statewide average weekly wage, assuming that wages increase each year." That means that the top benefit does not change for at least six years presuming the rate of growth is 3.4 percent in this

state. Your bill as amended by House Amendment "E" changes that and it starts the increase automatically next year. It reinstates the wording in the original bill which says, "Beginning on July 1, 1994, the maximum benefit level must be adjusted annually utilizing the state average weekly wage as determined by the Bureau of Employment Security." That means that whatever the average rate goes up for the state average weekly wage, it also goes up for \$441. That is the same as Michigan but it was not what the Blue Ribbon Commission intended for Maine and it was not what the actuary figured when he was figuring his percentages of savings for the original bill as prepondered by the commission.

It is downright false to say that House Amendment "E" does not change the rate of savings in this proposal. That is only one.

Number two in House Amendment "E" changes the benefits. If you will look at impairment guidelines — what do they want to do? They want the Commission or the Board to consider functional capacity. The Board considered that, that is the Commission considered functional capacity and threw it out. It only considers physical incapacity. That would open a wide door events if adopted under that provision as provided or permitted in the impairment guideline changes that are proposed in House Amendment "E." The compositions, technically, don't change, I will agree, any costs but they sure are a long ways from where the Commission was propounding it. So, if we are only talking on House Amendment "C", those are the two major changes, one of which is exactly going to do the opposite of what the Blue Ribbon Commission designed and is beyond that of John Hertzfeld's and Milliman and Robinson's Inc. Report and it clearly would reduce the 12 percent savings. I can't tell you how much but it clearly would result in a lesser savings because if I can tell you, and I can, that the increases are going to be \$93 in six years, then every worker would be getting \$93 per week more.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: It is moments like these that I wish the sponsor of House "E" was actually here at this point.

Let me clarify two points. The amendment, House "E" to "C" dealing with maximum benefits strikes out the language in House "C" that deals with maximum benefits and puts it back to the original bill. In the original bill, the estimates were costed out and, without question in my mind, the Amendment on "E" strikes out that language and puts it back to the original bill.

Secondly was the question that somehow we are increasing the costs on functional capacity. The amendment in House Amendment "E" calls for a study of functional capacity. There is no requirement of the Labor/Management group to change the standards to increase the cost. It calls for a study. I would call your attention to that part because I think it is a critical part. No one is suggesting that we are going to change the standard, although a lot of us think that probably it ought to be changed. We are asking the Labor/Management group to study that and to make further recommendations. I can't see how anyone can apply a cost on that piece.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: The good Representative from Fryeburg causes me to run into this body and get to my feet. First of all, it is not Exhibit E, it is Amendment "E" to Amendment "C."

Secondly, this actuarial data he is speaking of wasn't made known to the rest of the committee because it happened since we got the bill this week. I don't know of the data that has come down this week.

The terminology in Amendment "E" is that of the original Blue Ribbon Commission Report dealing with the maximum benefit. The maximum benefit in the original proposal cuts the cap on Maine injured workers \$95 for starters. If that isn't enough for you, fine, but please don't put a lot of flowers and rhetoric on it. That's what we are doing.

The functional capacity part doesn't increase the cost. It asks the Labor/Management group to look at it and decide if that is what ought to happen or what changes there should be and come to the legislature with it.

As I said yesterday, I can't understand why people who want a system to be run by a Labor/Management group are so fearful of letting labor and management make that decision. This simply gives them the directive to do that, to take those arguments of rhetoric out of this hall.

The cost of Amendment "E" does increase but it doesn't increase the compensation system, it increases the cost to the legislature because of the confirmation process. For those of you in this body who can read the Statement of Fact, please do. For those of you who can't, ask somebody next to you to. I am tired of this banging around trying to throw this way of articulating what ought to happen is going to somehow sink this entire bill into a costly factor, it is unbelievable and I am tired of it. If we want to do the debates of last summer, let's do them but let's not do them under the guise of we want to fix the Workers' Compensation System.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I have the greatest respect for the Representative from Jay as he tries to support and defend the working people of this state. I know he does it with the best of intentions and I don't doubt his motives. I am not persuaded that the functional capacity standard as set out in the Amendment "E" is a good idea. In fact, I am convinced so much that it is not on the basis of philosophy that I cannot vote for a bill which encompasses it.

I indicated in statements which I made during the course of the last several days my objections to the concept of a litigation system within a litigation system which is tortured and twisted at best as it presently exists. Therefore, I have been compelled to say that I can't accept and will accept a different dispute resolution system which, as the Representative from Bangor has pointed out, is not as good because it does not have some of the safeguards in it which this present system does. I am prepared for a philosophical adjustment but I am not prepared to carry forward the history of the old into the new, when the old dispute resolution system did not work with all the procedural safeguards and all of the educational requirements that we required people there to have and to put this standard into effect. Now, those people who say to me that I am therefore

not willing to trust labor and management may have their say and may say it, but my responsibility is to look at the philosophy that is included in this bill.

I have the same dispute with this part of the philosophy (as I will state when we get around to discussing the veterans exemption) because that too is a philosophical objection. I am entitled to a philosophical objection. I state it here because I believe Maine needs a new philosophy in order to deal with Workers' Compensation.

This that was presented by the Blue Ribbon Commission is, I assure you, not what I would have created. It seems to me as I moved along the path towards a choice based upon a concept which I thought might materialize in something that would be better for Maine and that is what I care about. In times past, I have said that what is good for the lawyers of Maine is not necessarily good for Maine. But, if something is good for Maine, it will be good for the lawyers and that is what I see, regardless of who is punished by all of this. So, as we move on in this debate, it is important that we focus on these philosophical matters.

This functional capacity standard is essentially, in my view, unmanageable. To incorporate it at the dawn of a new day, if we ever get to that dawn, is a mistake of gigantic proportion.

I liken what we have done to having hired a sculptor to build us a statue and what we have done is we have sent out this sculptor and now he has brought back a piece of work that we look at and don't really like. So each of us has taken a hammer and a chisel, approaching it with an eye on perhaps chipping a little rock off here or a little rock off there. That is all right if the chips work in favor of the men and women of Maine but I am not sure that they will.

However, what I see some of these amendments as doing, and the reason why I am opposed to all of them, is the fact that I am not sure we are not talking about a sculpture of a horse and trying to turn it into the sculpture of a donkey. I refuse to do that.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I appreciate the efforts of the Representative from Belfast, Representative Marsano, to incite some response. I am going to disappoint you because I don't intend to respond in kind.

The Blue Ribbon Commission, it seems like a year ago but it was a little while ago this year, the legislature in good faith attempted to take an issue that had been very difficult for us to grapple with and sent it to a Blue Ribbon Commission for recommendations. They worked quite well. For those of you who followed the Blue Ribbon Commission as we did throughout the months, through the month of July, it was a system that worked quite well, a lot of input from a lot of different people.

A few things happened in August, they stopped having public meetings, they went behind closed doors. You had essentially two people on a Commission Report that were involved, Mr. Dalbeck and Mr. Hathaway, one from each side so to speak, who began (through a series of phone calls between themselves, between their consultants) fashioning the final report.

In September of this year, a few weeks ago, we

began and took advantage of the opportunity of having some of our Joint Standing Committees meet with the Blue Ribbon Commission to begin to understand some of their rationale.

Ironically, however, since they released their report on the 31st of August and until the time that we even began the public hearings, there were some ten or eleven changes in that initial report. Because during the month of August it didn't have the scrutiny that I think it probably could have had and benefited from, they realized that there were a lot of bits and pieces that were left out, a lot of things, mechanical things, that had to be changed. They had presented to us at that point, at least through OPLA's office, ten additional changes before we even began to see that in our public hearings. We began a public hearing process and we were fortunate that we had four Joint Standing Committees that were able to sit down with the Blue Ribbon Commission members and understand, hopefully, their rationale for putting together some of these changes.

Based on the discussions of those four committees and based on the discussions of the Labor/Management group that continued to review this and communicate with these individuals by phone, they began to make additional changes, 21, 26, 36, 37, 47 different changes were made to that original bill, not a sculpture at this point. At this point, it is still a piece of soft clay that we have been trying to mold into something that can actually work. We are not attempting to chip away, we are trying to build a system that is good for Maine people, the employers and employees.

Four of our committees had the benefit of meeting with the Labor/Management group but the others members of this legislature didn't have the opportunity to be able to have their input to the extent that I think they would have liked to. To suggest that the other members of this legislature should be disenfranchised from this democratic process is not something that I think that in truth, faith and honesty, the Representative from Belfast, Representative Marsano, would like to suggest because I don't think that is the case. I think he understands the process and would like to see this process work. I think we all want to see this process work. In fact, we all have a democratic responsibility, a constitutional responsibility, a moral responsibility to protect the interest of our constituencies and that means ensuring that this bill actually works. It means putting in the safeguards to this bill so that we actually pass a bill that makes some differences. I don't think that you can take this child-like behavior that some would suggest (I am not suggesting who) that it is either my way or no way. I don't think that is productive. At a time when we are talking about moving forward, building coalitions, building consensus, ultimatums and threats are really out of the eras of the '60's and '70's. I don't think that is going to be the route for Maine to go. I don't think it is the route that we want to be involved in. I think we need to do what we believe is in the best interest of Maine people and move on and let the consequences fall where they may.

If there are some who choose to use this, the media, to their advantage and maybe use this politically to their advantage, then so be it. We haven't had the opportunity to meet with the Governor since prior to August 31st. We haven't had one

single discussion with the Governor of this state about what his vision is for this process, what his goals are for this piece of legislation. We would have loved to have met with the Governor but yet we haven't had one discussion with the Governor. In fact, the only thing that we have been able to hear as to where the Governor is coming from has been on the front page of the newspaper. Is that really where we want to go with this? I would suggest that we need to begin to work together. I think it is an impossible standard and I think it is unrealistic to expect the members of this legislature who weren't able to meet with the Blue Ribbon Commission, who have been disfranchised from this process, not to be able to have an input in it and an impact on this system.

There are some things on this bill right now that I didn't vote for, a couple of amendments that I didn't vote for, because I felt the Blue Ribbon Commission and the Labor/Management group could probably take care of those things, but they got on and I am going to vote for it. There are some other things in here that I would have liked to have seen get on but they didn't get on. It is a democratic process, plain and simple. We can pretend to the media, we can pretend to the business community or other people back home that the democratic process doesn't exist but it is a part of our lives whether we like it or not. We can choose to make a difference. We have a tremendous opportunity before us. All we have to do, as I said the other day and as Representative Reed said the other day, is to seize the moment and seize the day to make the determination, Democrats and Republicans are going to work together, we are not going to blind ourselves by this idea of, you can't have amendments on this thing because, God forbid, something will happen. Let's make a bill that works for Maine people. Let's make sure that Maine employers in this state have an opportunity to reap the savings once and for all because of the changes that we have made. Let's not just turn our back away and say we did the best we could and go home. Let's stay here until we make a bill and present a bill that works for Maine people.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rand.

Representative RAND: Mr. Speaker, Men and Women of the House: If this amendment is not adopted, then the Governor will have the power to appoint the members of the Workers' Compensation Board for subsequent appointees and will have the power to appoint the incorporators of the Maine Mutual Insurance Company and will have the power to appoint the initial board members of the Maine Employer's Mutual Insurance Company without legislative oversight and confirmation. I don't think that is the position anybody in this room wants. If Amendment "E" does not pass, is not attached to the Blue Ribbon Commission Report, that is the situation we will have.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Going back to the original question from this corner, answered in part by that corner, seems to me the question of the hour. We are trying to work through this process and we are trying to do so without adding cost or reducing savings.

I am a little puzzled by Representative Hastings

remarks and I will tell you way. I was intrigued by Representative Pineau and Representative Marsano, they both gave very eloquent presentations of their philosophies but, frankly, I don't think it matters because this amendment doesn't embrace either of their philosophies, it tells the Labor/Management Board to look at both of them and do what they think is right.

I am hard-pressed to understand why that is a problem, it gets it out of this arena which is what we want to do, I thought.

The second thing is Representative Hastings was talking about a cost because the amendment returns to the original bill.

I also happen to have in my hands the report to the Maine Blue Ribbon Commission prepared by John Hertzfeld who is the actuary who studied only the Blue Ribbon Bill. It is dated August 27, 1992. It goes on with a great introduction which says that all of these projections are guesses because they are subject to so many things.

Those of you who have talked with me for more than five minutes know that there is no one in this House who hates actuaries more than I do because I don't believe very much of what they say. Nevertheless, this is their professional opinion of the savings in this bill.

I can go right through and tell you exactly where they got each of the points that made the 12 percent. I don't believe there is any disagreement that 12 percent is the projected savings if we adopt this bill. Two percent comes along when we change the compensation from 66 and 2/3 of gross wage loss to 80 percent of spendable wage, that was 2 percent of the savings. There is not a single number attached to number two here which says, "The maximum weekly benefit amount is changed to \$441 or 90 percent of the statewide average weekly wage, whichever is greater."

As I understand it and I hope you will correct me if I am wrong Representative Pineau, Amendment "E" simply goes back to the language which Mr. Hertzfeld put zero savings or cost to. Could you please advise me on that?

The SPEAKER: Representative Mitchell of Vassalboro has posed a question through the Chair to Representative Pineau of Jay who may respond if he so desires.

The Chair recognizes that Representative.

Representative PINEAU: Mr. Speaker, Men and Women of the House: The answer is, you are correct, Representative Mitchell.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: You only have to look two pages beyond in the actuarial report and it stated "that the average weekly benefit will change due to the change in the basis of compensation and the change in the maximum weekly benefit. We estimate that the change in the average weekly benefit will reduce total temporary cost approximately 2.7 percent." So, I would tell you that this is a real cost. The way it was computed by the actuary was on the basis that the \$441 was not going to change.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: The point that some of us have tried to make is the point of the discussion that we



are having today which is the continuation of the discussion that we had yesterday is that there is not a meeting of the minds of the impacts of these various amendments.

In all sincerity, a number of individuals primarily on this side of the center aisle, really believe and have convinced themselves and apparently a lot of other people, that there are various impacts on the cost savings on the eventual results of the work of the Blue Ribbon Commission by the various amendments offered and before us in discussion.

There is, I think, an equal amount of fervor and equal amount of intent on the part of the people who offer these amendments that they do as they say they do. This, to me, is an indication of why we sent the issue to an outside Blue Ribbon Commission. Certainly their work was not faultless but at least it got away from a group of people who found it very difficult. I am one of all of you to agree, given all the given biasness that we carry or are expected to carry in this process. It is doubtful that there will be a meeting of the minds in this chamber on these various amendments and so it develops into a basic question, do we proceed with the report of the commission or do we proceed to argue what we sincerely believe are significant impacts of these amendments?

The Representative from Fairfield suggested that we needed to go ahead with the bill as amended because it was better than what we have. Many of us very sincerely believe that what we are going ahead with is a bad bill. The question is whether we adopt the bill with the amendments or proceed with what an outside commission presented to this body. We urge rejection of the amendments and to return back to the work of the commission.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I simply want to say, if I understand Representative Hastings correctly, what we are being asked to do is not simply go back to the Blue Ribbon Commission Report and acknowledge, if he is correct, that that cost more than was originally projected. The problem is not because of the language we want to adopt, the problem is because there was a mistake made in the first place which means either the actuary did not read the Blue Ribbon Commission Report or read it and did not understand it. I guess I have some concern that if that is the case about that part, what about some of the other recommendations? The bottom line for me is that it suggested what we need to do is look at the bill and make our own reasoned determination about what makes sense. In this case, to make savings because we refuse to put in cost of living increase for injured workers when we are already making a significant reduction in benefits is just too far to go as a way of making savings.

Representative Gwadosky of Fairfield was granted permission to address the House a third time.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I got a copy of the report that Representative Mitchell referenced a moment ago and also a memo from John Hertzfeld who was the second actuary. If we are confused now with one actuary, wait until you hear this — this is the second actuary now. I will read from the memo from John Hertzfeld, "There seems to be some discussion of

the interpretation of the proposed legislation regarding how the maximum weekly benefits is intended to change in future years. My understanding of the bill when I prepared the report for the Blue Ribbon Commission was as follows: (1) the maximum weekly benefit would be \$441 on January 1, 1993. (2) the maximum weekly benefit would remain fixed at \$441 until such time as 90 percent of the statewide average weekly wage was greater than \$441. (3) from the time forward, the maximum weekly benefit would remain at 90 percent of the statewide average weekly wage assuming that wages increase each year."

I looked at the document once again that Representative Mitchell referred to, the actuary report that was prepared to the Blue Ribbon Commission members, and it is filled with lines and sentences such as "due to the limited time frame between the drafting of the bill and the date of this report, we were unable to analyze all the features of the proposed bill. A complete rewrite of the Workers' Compensation bill is particularly difficult to price. Behavioral changes are likely to take place over a number of years and are difficult to identify and project, this adds to the uncertainty of our estimates. All projections of future costs are subject to uncertainty. We relied on data provided by the National Council of Compensation Insurance, the Bureau of Insurance and other sources, we did not audit this data."

This whole discussion today is really not about cost savings, I think we all know that, it is about where we want to go with this bill. Both sides can make a case. I am convinced both sides can probably pull out an actuary report that perhaps says something else. Maybe there is an actuary report that I haven't even seen yet. You can make a case in either event as to whether this is perhaps going to have a negative impact on the savings. I don't think that is really the case. I think that point is significant. I think that there are other stumbling blocks beyond this amendment that people, for whatever reason, are not willing to talk about. I think we ought to move on.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: In high school physics class, there is a fun question which will get you ten extra points if you can get what even sounds like a logical answer to it and it is, what happens when an irresistible force meets an immutable object? In high school it is fun, up here it is really not fun. We are here as an elected body, many bills do get through here without ever being amended but it is our volition. If we have to take orders from the second floor not to look at a bill, not to amend it or it will be vetoed, then there is a great savings here. We should all go home and that would save a great deal of money.

We are here to do what we feel is right and if we cannot look at a bill and if we cannot amend the bill, then how can we go home and say that we have fulfilled our oath and we did our best and we did what we thought was right. I don't want to waste another day or two or three more days here and bounce this back and forth. Perhaps what we should be doing is take the Emergency off this bill, put the best bill we can on the Governor's desk, let him do what he wants with it and we will go home and tell our constituents we did the best we could and we followed

our conscience.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: Where this debate has gone leads me to want to read from Committee Amendment "A" to House Paper 1696, L.D. 2376, that was the amendment that set forward the Blue Ribbon Commission, the reason we are here today. "The legislation recommended by the commission will be submitted to the House of Representatives. It is the intent of this Resolve to create a commission composed of individuals of the highest integrity, credibility and intelligence. The responsibility being put on the shoulders of these commissioned members is great and the 115th Legislature shall give due respect to the commission's recommendations. It is the intent of this Resolve to ensure that the legislature vote on the commission's recommended legislation before offering any amendments." This is what we voted on, this is what we passed and that is all we are seeking to do.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Men and Women of the House: I would like to pose a series of questions through the Chair.

My questions would be to Representative Lipman. Would he go along with every single thing in the future that way? And, will he always vote that way? Will he always never put an amendment on anything? Will he always say that that is exactly the way he is going to vote?

The SPEAKER: Representative Manning of Portland has posed a series of questions through the Chair to Representative Lipman of Augusta who may respond if he so desires.

The Chair recognizes that Representative.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Representative Manning. I labored greatly and fought this idea. I felt it was wrong for us to do it. I felt we were shirking our responsibilities and I would never vote for such a motion again.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Men and Women of the House: If it was wrong then, why is it right now?

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: As my good friend Representative Lipman was reading the statute, I thought he must have left out the word "appointed" and put in "anointed." When that commission was created, they were not anointed to come back with something that is perfect. All I can think of is, if that report is so good and the commission did quite a job, oh, what our Lord could have done if he had helped with the commission.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: Going from the high sounding rhetoric and earnestness back to a point that was mentioned early on in our exchange here, something was said that sort of suggested very strongly that the standard that wants to be that we recommend be studied by the Labor/Management Board for its

recommendation, namely the functional capacity standards, for some reason or other, historically has proven to be a failure.

My question is, is the standard of functional capacity only been used in the State of Maine or has it been used in other places? If so, how did it turn out in those other states or other places? Can you really equate functional capacity with, somehow or other, a failure?

The SPEAKER: The Representative from Easton, Representative Mahany, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I am not familiar with other states but I am familiar with what the federal government uses in the Social Security Administration to determine whether a person is eligible for Social Security disability benefits. They use the standard of employability. In that standard, they look at the person's medical impairments and they look at the person's capacity for gainful employment. That was a problem for many of us when it was also used as a standard for children as well as adults. They discovered that that had to be changed. It has worked well for many adults. They must determine whether that adult is capable of earning money, of being employed. To do that, they look at whether that person has the capacity, despite or because of medical impairments to be gainfully employed. That means that there are some people who are very, very severely medically impaired but who, because of various devices they use, who because of their stamina or their determination, are able to be employed. There are other people, because of diminished intelligence or other problems of a medical nature, that perhaps are less serious but cause them not to be able to medically employed.

I think if we went to all of our constituents who are receiving Social Security disability payments and looked only at their medical impairment, we would be depriving many of those constituents of the benefits that they receive today. If we looked at other persons who have a very, very serious medical impairment and we said that they cannot work because their medical impairment is so great, we would be depriving them of gainful employment in which they are engaged today. We would be depriving them of the opportunity to earn a living for which they appear to be capable, despite their disability.

So, it is extremely important to look at functional capacity and not just medical impairments

On motion of Representative Ruhlin of Brewer, having voted on the prevailing side, the House moved to reconsider its action whereby House Amendment "J" (H-1359) to House Amendment "C" (H-1340) was adopted.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: This House Amendment "J" which called for the availability of record for the purposes of occupational safety and health data to better indicate future directions of the Labor/Management group handling our Workers' Compensation System was offered to you in good faith. It is something that will be very necessary if you are going to have an effective Workers' Compensation System in the State of Maine in the future. However, looking at the impasse that we are

in today, feeling that some people in this room who shall remain nameless, feel a little balky about moving in any direction and that there are other people who feel equally as balky as moving in any direction, this particular House Amendment "J" can be, I think at some time, and I would like to have it go in the Legislative Record, that it should be considered by the Labor/Management Board should it ever be constituted into any new Workers' Compensation System. It is important that that data be available for the accident prevention if you are going to hold down the accident rate within this state.

With this in mind, I will be voting against the adoption of House Amendment "J" and ask that you also do the same.

I request a roll call.

Subsequently, Representative Ruhlin of Brewer withdrew House Amendment "J" to House Amendment "C".

The SPEAKER: The pending question now before the House is adoption of House Amendment "C" (H-1340) as amended by House Amendments "A" (H-1345); "E" (H-1350); and "H" (H-1356) thereto.

Representative Whitcomb of Waldo requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is adoption of House Amendment "C" (H-1340) as amended by House Amendments "A" (H-1345); "E" (H-1350) and "H" (H-1356) thereto. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 477

YEA - Adams, Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lerman, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, McKean, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Melendy, Merrill, Murphy, Nash, Norton, Nutting, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Anthony, Chonko, Cote, Gurney, Kutasi,

Paul, Skoglund.

Yes, 89; No, 54; Absent, 7; Vacant, 1; Paired, 0; Excused, 0.

89 having voted in the affirmative and 54 in the negative with 7 being absent and 1 vacant, the motion did prevail.

The SPEAKER: The pending question before the House is passage to be engrossed as amended by House Amendments "B" (H-1339); "I" (H-1353); "O" (H-1368) and "C" (H-1340) as amended by House Amendments House Amendments "A" (H-1345); "E" (H-1350) and "H" (H-1356) thereto.

Representative Whitcomb of Waldo requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby it adopted House Amendment "C" (H-1340) as amended by House Amendments "A" (H-1345); "E" (H-1350) and "H" (H-1356) thereto.

On motion of the same Representative, the House reconsidered its action whereby it voted to adopt House Amendment "A" (H-1345) to Committee Amendment "A" (H-1340).

On motion of the same Representative, House Amendment "A" (H-1345) to Committee Amendment "C" (H-1340) was withdrawn.

The SPEAKER: The pending question now before the House is adoption of House Amendment "C" (H-1340) as amended by House Amendments "E" (H-1350) and "H" (H-1356) thereto.

Representative Whitcomb of Waldo requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and less than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "C" (H-1340) as amended by House Amendments "E" (H-1350) and "H" (H-1356) thereto. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 76 having voted in the affirmative and 54 in the negative, the motion did prevail.

On motion of Representative Stevens of Bangor, the House reconsidered its action whereby it adopted House Amendment "O" (H-1368).

On motion of the same Representative, House Amendment "O" (H-1368) was withdrawn.

On motion of Representative Pineau of Jay, the House reconsidered its action whereby House Amendment "I" (H-1353) was adopted.

On motion of the same Representative, House Amendment "I" (H-1353) was withdrawn.

The SPEAKER: The pending question before the

House is passage to be engrossed as amended by House Amendments "B" (H-1339) and "C" (H-1340) as amended by House Amendments "E" (H-1350) and "H" (H-1356) thereto in non-concurrence.

Representative Whitcomb of Waldo requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is passage to be engrossed as amended by House Amendments "B" (H-1339) and "C" (H-1340) as amended by House Amendments "E" (H-1350) and "H" (H-1356) thereto in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 478

YEA - Adams, Aliberti, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Clark, M.; Coles, Constantine, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Gean, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Hichborn, Holt, Jacques, Jalbert, Joseph, Kerr, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lerman, Macomber, Mahany, Manning, Martin, H.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Dea, O'Gara, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Clark, H.; Donnelly, Duplessis, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichens, Hوجلund, Hussey, Ketterer, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Marsano, Marsh, McHenry, McKeen, Merrill, Michaud, Murphy, Nash, Norton, Oliver, Ott, Parent, Pendexter, Pendleton, Pines, Rand, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Swazey, Tupper, Whitcomb.

ABSENT - Anthony, Chonko, Cote, Dutremble, L.; Gurney, Kutasi, Paul, Skoglund.

Yes, 77; No, 65; Absent, 8; Vacant, 1; Paired, 0; Excused, 0.

77 having voted in the affirmative and 65 in the negative with 8 being absent and 1 vacant, the bill was passed to be engrossed as amended by House Amendments "B" (H-1339) and "C" (H-1340) as amended by House Amendments "E" (H-1350) and "H" (H-1356) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The House was called to order by the Speaker.

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(Off Record Remarks)

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On motion of Representative Pouliot of Lewiston, Adjourned at 6:27 p.m. to Monday, October 5, 1992, at four o'clock in the afternoon.

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(At Ease to Gong)

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