

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**January 3, 1979 to May 4, 1979**

## HOUSE

Friday, April 6, 1979

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

Prayer by Father Norman McPherson of Saint Anne's Catholic Church, Bradley.

Father McPHERSON: Let us pray! Heavenly Father, as we pause to acknowledge your presence, we ask you to help us seek out, embrace and proclaim truth, truth that will lead us to freedom, a freedom that will lead us to joy, a joy that no one can take from us. Never let us be satisfied with anything less than truth that can withstand any test of time, that it can outlast any attack of its enemies. Let not our desires, prejudices, likes or ambitions cloud the issues so much that truth will be compromised. Help us to realize that only when real truth is being served will we be living out the trust put in us by our people. We ask this in humble acknowledgement of our need of your help and guidance. Amen.

The journal of yesterday was read and approved.

## Papers from the Senate

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

Maude Wing of New Flagstaff, on March 29, 1979, celebrated her 99th birthday. (S. P. 493)

Came from the Senate read and passed. In the House, was read and passed in concurrence.

Bill, "An Act to Provide for the Development of Community Mental Health Services" (S. P. 475) (L. D. 1537)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, was referred to the Committee on Health and Institutional Services in concurrence.

Bill, "An Act to Establish Self-governing Provisions for Androscoggin County" (S. P. 478) (L. D. 1538)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, was referred to the Committee on Local and County Government in concurrence.

Reports of Committees  
Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Require Insurance Claim Payments Because of Motor Vehicle Damage to Include Payment for the Reduction in the Trade-in Value of the Motor Vehicle" (S. P. 266) (L. D. 807)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill, "An Act to Establish the Descent of Real Estate in Intestate Succession when, Prior to Death, a Parent has been Cared for by a Child or Children" (S. P. 241) (L. D. 690)

Came from the Senate with the Reports read and accepted.

In the House, Reports were read and accepted in concurrence.

## Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill, "An Act Concerning the Continuation of Pilot Projects for more Effective and Efficient Delivery of Services to Preschool Handicapped Children" (Emergency) (S. P. 75) (L. D. 165)

Report was signed by the following members:

Mrs. GILL of Cumberland

Mr. TROTZKY of Penobscot

— of the Senate.

Mr. CONNOLLY of Portland  
Mrs. LOCKE of Sebec  
Mr. FENLASON of Danforth  
Mrs. LEWIS of Auburn  
Mrs. GOWEN of Standish  
Messrs. BIRT of East Millinocket  
ROLDE of York  
DAVIS of Monmouth  
Mrs. BEAULIEU of Portland

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Mr. MINKOWSKY of Androscoggin

— of the Senate.

Mr. LEIGHTON of Harrison

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Connolly of Portland, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once and assigned for second reading the next legislative day.

## Non-Concurrent Matter

Bill "An Act Concerning Issuance and Renewals of Liquor Licenses" (H. P. 316) (L. D. 382) on which the Minority "Ought Not to Pass" Report of the Committee on Legal Affairs was read and accepted in the House on April 3, 1979.

Came from the Senate with the Majority "Ought to Pass" Report of the Committee on Legal Affairs read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House: Mr. Violette of Van Buren moved that the House adhere.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion just made by the gentleman.

This bill got by me here the other day and the Minority "Ought Not to Pass" Report was accepted. What this bill is, it is simply a bill that returns the right of the municipalities to review all requests for renewals of liquor licenses prior to coming to the State Liquor Board for final action. I believe it was two years ago that this right was taken away from the municipalities, further erosion of local control.

The way the system is now, an individual coming up for renewal, he sends his application directly to the Liquor Control Board. The Liquor Control Board, of course, approves or disapproves. If they approve, they send the license back and the organization is in business. However, if the community has some objections to it, then they have got to hear by the grapevine that the license has been issued. With the acceptance of this bill, the owner or the man coming in for his renewal must come through the town fathers, the town council and the selectmen, to have them put their approval or disapproval on the request and send it on to the State Liquor Board. If they disapprove, then they must put down the reasons for it and send it on to the State Liquor Board. That is all this bill does.

It came out of the Committee with a majority, I believe 8 to 3, I am not too sure on that, and I ask you to not support the motion so that I can make a motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Corinth, Mr. Strout, moves that we recede and concur.

The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, I request a division when the vote is taken.

Ladies and Gentlemen of the House: The

Report was 7 to 6 and "Ought to Pass" was in the minority. There were several reasons for voting that way.

The apparent intent of this bill is to require that all applications for renewal of liquor licenses must submit their applications to local officials for approval or disapproval before it can be accepted by the state. Enactment of this legislation would add to the cost of renewing a license due to the advertising costs that are by law at the applicant's expense. It would require the delay for the applicant, because the entire procedure requires approximately three weeks from presentation of an application until public hearing. It will increase the workload of local boards because of the heavy concentration of on-premise licenses in some areas.

Currently, there are provisions in the present third paragraph of the law that in fact require that an applicant for renewal submit his or her application to local officials for approval. It was designed so that needless time and money would not be wasted on public hearings for the vast majority of properly operated establishments in our state. It, of course, does provide a strict requirement for the problem spot and thereby provides an effective means of control for local officials to use in any trouble area.

The present procedure has worked very well for local authorities that have used it. However, very few have taken advantage of the present provisions in the law.

I would hope that you would all vote against the motion to recede and concur.

The SPEAKER: The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Violette of Van Buren requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I would like to echo the last speaker's words. It definitely is working fine now, saving much time to the towns involved.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: If we were to pass this bill, it is just another step in the direction of stifling small business in this state, and with the economy such as it is right now, I can see no further reason to stifle any more businesses, and this will do it. This is a stifling attempt, so I would not go for this bill at all.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I know a good bill when I see one. This is a good bill. This will get rid of some of the problems. We all should know what the problems are when we look down towards Old Orchard and see the problem they had with the bar. They couldn't clear up the situation until they eventually got a hearing that included outstanding citizens of the community to come in, even the local priest had to tell the councilors, we have got to get rid of the bar and probably one of Maine's outstanding young attorneys had to go down there and tell them likewise.

This is a good bill, and I urge those few of you that were over there on the green side—you know, you have got to go home and you have got to go to church Sunday, so let's do one good thing and pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: All that this bill does is simply add another step in the process, in a process that has been working very well up to this point in time.

Presently, the good gentleman from Portland feels that this will do away with any establishment that he feels is poor or operating improperly, it will not. The local community decides to now accept the renewal, it will still go on to the State Liquor Commission for approval or disapproval. All that this bill does is add an additional step, more time and more cost to the owner and to the community. I think it is not a good bill and I would hope that you would vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman is right, it is another step, but it is a step in the right direction. It is a step back to local control so that these honkey-tonks won't have somebody up here in Augusta saying, yes, you can have the license. It forces them to come and face the people in their towns so the truth can come out. When the truth comes back to Augusta and the Liquor Control Board here calls for a hearing, then a hearing is called for. But at least the people around the communities will know what is going on, and these honkey-tonks will have to face the truth.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think there is some exaggeration flying around here this morning. As I read this bill, it only requires the municipal officials to approve or disapprove. It doesn't say anything about any hearings at the local level or anything else like that, or the County Commissioners, in an unincorporated case, and in the case of disapproval, a letter is sent to the State Liquor Commission which, again, does have the final authority.

It looks to me like it is a very reasonable bill. There are instances in the state where local officials are aware of a situation which is not the savoriest and they would like to at least have some input to it. I think it is highly reasonable.

I have a bill in which received a mixed hearing and it had to do with licensing and at that particular hearing I had oodles of local officials coming to me and saying that their licensing authority should not be breached, that they should be allowed to have the authority in their local communities to tell, in this particular instance, the Department of Human Services, whether or not they liked a particular kind of eating establishment. Well, it certainly seems reasonable to me that municipal officials, and only they, acting alone on their own motion, could at least advise the Liquor Commission of their feeling. Unfortunately, the Liquor Commission still has the final say subject to appeal.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: Under the present process, local officials have all opportunity to come before the Liquor Commission on the request for renewal of liquor licenses and give whatever information they wish to give to the Liquor Commission at that time, including members of the public, and they can request that the Liquor Commission go to that community and hold a public hearing there. This simply adds to that process. It just simply adds another step which I feel is very ineffective.

The SPEAKER: A roll call has been requested. The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

## ROLL CALL

YEA — Aloupis, Austin, Bachrach, Barry, Birt, Bordeaux, Boudreau, Bowden, Breneman, Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davis, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gray, Hall, Hanson, Hickey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Jackson, Jacques, P.; Joyce, Kany, Kelleher, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Matthews, McPherson, Morton, Nadeau, Nelson, A.; Norris, Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Tarbell, Theriault, Torrey, Tozier, Tuttle, Twitchell, Vose, Whittemore, Wood, Wyman.

NAY — Beaulieu, Benoit, Berube, Blodgett, Brodeur, Brown, A.; Brown, K.C.; Chonko, Cloutier, Dellert, Dow, Dutremble, D.; Gowen, Gwadnosky, Howe, Jacques, E.; Kane, LaPlante, Locke, Mahany, Maxwell, McHenry, McKean, McSweeney, Mitchell, Nelson, M.; Nelson, N.; Paradis, Reeves, P.; Simon, Soulas, Studley, Tierney, Vincent, Violette, Wentworth.

ABSENT — Baker, Berry, Brannigan, Davies, Garsoe, Huber, Immonen, Jalbert, McMahon, Michael, Post, Rolde.

Yes, 102; No, 36; Absent, 12.

The SPEAKER: One hundred and two having voted in the affirmative and thirty-six in the negative, with twelve being absent, the motion does prevail.

At this point, a message came from the Senate, borne by Senator Pierce of Kennebec, proposing a Convention of both branches of the Legislature to be held at 12:30 in the Hall of the House for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and to make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held in the Hall of the House and the Speaker appointed Mr. Tierney of Lisbon to convey this message to the Senate.

Subsequently, Mr. Tierney of Lisbon reported that he had delivered the message with which he was charged.

## Non-Concurrent Matter Later Today Assigned

Bill "An Act to Amend the Workers' Compensation Laws" (H. P. 312) (L. D. 428) on which the Majority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on April 3, 1979.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-159) Report of the Committee on Labor read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-159) in non-concurrence.

In the House: On motion of Mr. Wyman of Pittsfield, tabled pending further consideration and later today assigned.

## Non-Concurrent Matter Later Today Assigned

Bill "An Act to Provide Time for the Employee and Employer to Consider Payment of Compensation by Agreement" (H. P. 141) (L. D. 161) on which the Majority "Ought Not to Pass" Report of the Committee on Labor read and accepted in the House on April 3, 1979.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-158) Report of the Committee on Labor read and accepted and the bill

passed to be engrossed as amended by Committee Amendment "A" (H-158) in non-concurrence.

In the House: On motion of Mr. Wyman of Pittsfield, tabled pending further consideration and later today assigned.

## Non-Concurrent Matter Tabled and Assigned

Bill "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park" (Emergency) (H. P. 134) (L. D. 145) which was passed to be engrossed in the House on March 23, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-82) in non-concurrence.

In the House: Mr. Birt of East Millinocket moved that the Bill be recommitted to the Committee on Transportation.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and assigned for Monday, April 9.

## Messages and Documents

The following Communication: (H. P. 1294)  
DEPARTMENT OF EDUCATIONAL  
AND CULTURAL SERVICES

Augusta, Maine 04333

To: Joseph E. Brennan, Governor, and Members of the 109th Legislature

From: Commissioners George Zitnay, Sawin Millett and David Smith

Subject: Coordinating Services for Children and Families

Date: March 15, 1979

We are pleased to transmit the attached Interim Progress Report of the Interdepartmental Committee. This report represents the combined efforts of the Department of Human Services, Mental Health and Corrections and Education and Cultural Services to coordinate child and family services in Maine. While much has been accomplished by the Interdepartmental Committee since the initial report of January 27, 1978, this report clearly indicates the challenge which still exists for comprehensive interdepartmental coordinated efforts for services relating to children and family services.

It is our hope that this report accurately reflects the present status of the interdepartmental cooperative achievements and that this past year's efforts have provided an essential foundation for a more effective and responsive system of services meeting the needs of Maine's children and families.

The Communication was read and with accompanying report ordered placed on file and sent up for concurrence.

## Petitions, Bills and Resolves Requiring Reference

The following bills were received and referred to the following Committees:

### Aging, Retirement and Veterans

Bill "An Act Concerning the Salaries which may be Earned by Retired Teachers Losing Benefits" (H. P. 1292) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

### Judiciary

Bill "An Act Preventing the Release of Names of Victims of Crimes" (H. P. 1293) (Presented by Mrs. Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

### In Convention

The President of the Senate, the Honorable Joseph Sewall, in the Chair.

On motion of Senator Pierce of Kennebec, it was

ORDERED, that a committee be appointed to wait upon His Excellency, the Honorable Joseph E. Brennan, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives and ready to receive such communication as he may be pleased to make.

The Chairman appointed:

Senators:

PIERCE of Kennebec  
COLLINS of Knox  
CONLEY of Cumberland

Representatives:

KANY of Waterville  
BACHRACH of Brunswick  
BARRY of Fort Kent  
PARADIS of Augusta  
MASTERTON of Cape Elizabeth  
CONARY of Oakland  
DAMREN of Belgrade  
REEVES of Pittston  
LANCASTER of Kittery  
LUND of Augusta

Senator Pierce, for the Committee, subsequently reported that the Committee had attended to the duty assigned to it, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Honorable Members of the 109th Maine Legislature.

It is an honor to appear before this Legislature to present to you my first legislative program.

My message today is in four parts. The first section incorporates the bills which I am presenting for your consideration. The second part is a listing of those bills submitted by Executive departments and agencies and endorsed by the Administration. The third part is legislation recommended by the Task Force on Regional and District Organizations. The fourth section is the special message on corrections which I mentioned in my budget message address. Of necessity, my remarks today will be a considerably shortened version of the full message, and I invite your attention to the printed version of this message.

I believe that each bill in this legislative program will make a positive difference in the lives of the people of our state or in the conduct of the business of government on behalf of the people.

Certainly, each of these proposals was measured against that test.

For, if the public cannot benefit from the legislation, it does not belong in the statutes.

We who represent the people of Maine must never forget that each of us has been elected as a stand-in for many.

This is *their* government, not ours.

And each of us knows that they have decided, and directed us to bear in mind at all times, that more government is not necessarily better government.

This legislative package is fully in accord with these ideals.

First, I want to express my deep concern over the status of the collective bargaining bill. My position is simple—I intend to stand behind the contracts which have been negotiated in good faith with state employees.

At issue today is the integrity of our collective bargaining process. The Legislature gave the Executive Department the responsibility and the authority to bargain with representatives of the employees. The Legislature appropriately retained the right to approve the economic aspects of any contract, but an attempt by the Legislature to re-open negotiations of noneconomic aspects of a contract is clearly contrary to the spirit of the law under which bargaining took place.

We discharged our responsibility under the bargaining law. After 18 difficult months, a good-faith agreement has been achieved. Already we have seen the benefits in improved employee morale. That will mean more improved services for the people of this State. This Administration intends to honor its agreements. And I expect that other parties to the process will honor their role as well.

Each of you knows that I have placed economic development at the top of my list of goals for this Administration.

You know my belief in the importance of economic development to a state that holds so much potential, yet remains so far behind much of the rest of the nation.

And you know of my conviction that there is a connection between the economic health of the state and the community, and the strength of the social fabric that unites us all. Jobs do more to solve problems than a host of social programs.

My legislative call includes funding for fish piers and public transportation and further study of cargo port potential. These important elements have already been presented to you in my budget message and therefore I will not elaborate on them here. Today, I wish to direct your attention to other important initiatives that are being proposed to further my program for advancing our state's economy.

These bills address problems confronting some of our major industries and would create a climate favorable to the development of new business.

We are introducing legislation to minimize regulation by the State of the intrastate transportation of freight by motor carriers in the belief that we can stimulate competition and thus lower prices.

I firmly believe that this is a measure that will prove to be of benefit to the trucking industry, to the businesses that rely on the services of truckers, and to consumers.

My bill responds to the complaints heard so often from business that they are overregulated and strangling in red tape. And it recognizes the central importance of trucking in the commerce of our state.

The aim of the bill is two-fold.

First, it will stimulate competition in an industry restricted by overregulation.

Second, it should lower the costs of freight shipments within the state by decreasing the cost imposed by government regulation.

The bill would eliminate the requirement for truckers to file rates with the Public Utilities Commission after January 1, 1982.

It also simplifies the certification process that new business must go through before it can enter into competition.

While it eliminates regulations that tend to restrain free competition, it does not in any way diminish the authority of the P.U.C. to regulate the safety and operations of trucks on the highways of our state.

I am submitting two bills which I believe will aid the troubled potato industry.

For generations, Maine potatoes have been known for their excellent quality.

But Maine's best known crop faces serious marketing problems, aggressive competition and low prices which threaten the livelihoods of many of the growers of Aroostook County.

The first will strengthen Maine's potato branding law. While the overwhelming majority of potato shippers are conscientious about meeting the legal specifications for potato grades, those few who are not scrupulous cause the industry as a whole to suffer. This bill addresses the problems caused by the minority.

The second bill will require that seed potatoes grown outside Maine meet the same rigorous standards of certification that we have set for seed potatoes grown in Maine. This bill will help protect potatoes from disease which may be imported from other states.

I would also add here that when Stuart Smith

becomes Commissioner of Agriculture, with your approval, he intends to undertake a major effort to develop a comprehensive program to deal with the problems facing that industry.

Like the potato and fishing industries, tourism is a traditional and vital Maine business. Our natural resources, our varied physical features, climate and communities make Maine a particularly appealing vacation spot.

But, like farming and fishing, it is an industry that has seen brighter days. Its growth has fallen behind the national average even though more Americans have more leisure time than ever before. I believe that we have an excellent product to sell.

I believe tourism is the kind of industry that lends itself well to our Maine life style. It enables many Maine people to own and operate their own businesses, and I have long felt that people can be happiest and most productive when they and their families work together in their small businesses.

Today I am asking you to join us in initiatives to strengthen our competitive position.

I am submitting two bills which have been developed at the suggestion of the Committee on Coastal Development and Conservation.

The first would increase the commitment made by the last Legislature to promotion of the industry.

Its approach would be two-fold:

First, it would increase appropriations to the matching fund program that assists local chambers of commerce and similar organizations to develop promotion programs to \$400,000 per year.

Second, it would encourage special promotions through a 2 to 1 matching program to four general areas; increasing business in inland areas or at coastal locations out of the mainstream of tourist traffic, promoting convention facilities; helping cultural attractions within a given geographic area jointly promote themselves; and encouraging off-season business.

The second bill I am submitting will provide funding to implement the state's billboard law.

I feel confident that the people of Maine are as determined as I am that we not tolerate the transformation of our beautiful state into a replica of that neon alley we've all seen north of Boston. I believe that this legislation, in combination with the bottle bill and the efforts of individual citizens, will help this state present an attractive image to the visitors who contribute to a multi-million dollar industry.

Another area in which I hope to assist Maine businesses and workers is through a modest reform in the law governing the Workers Compensation Commission.

Prompt resolution of pending claims is encouraged under the bill submitted by this Administration.

It mandates that decisions be made no later than 30 days after the submission of a case to a commissioner, but if they are delayed, then the delinquent Commissioner will forfeit his pay during that delay.

By keeping backlogs to a minimum, both business and employees will benefit.

Over the past year, I have consistently expressed my desire to provide Maine's overburdened property taxpayers with relief in the form of meaningful and permanent property tax relief.

Therefore, I am pleased to present for your consideration a measure that addresses the role rising property taxes plays in the ever-increasing inflationary spiral.

I propose a Homestead Credit based on the first \$2,000 of valuation of a person's principal residence this year and the first \$3,000 in the year beginning April 1, 1981. The credit would be administered through the income tax.

The Homestead Credit offers significant advantages in providing property tax relief.

First, I have heard concerns expressed that if property tax took the form of an exemption, localities might be tempted not to pass on the money refunded by the state. The credit avoids

involvement of localities in any way. They have no added administrative burden and they have no pass-through responsibility.

Second, by making the credit a part of the income tax, we require no cumbersome new system.

Finally, the constitutional objections which have been raised by some, relating to the limit of 50 per cent reimbursement, are eliminated by our approach.

For more than 15 years as a defense lawyer, as a prosecutor and as a legislator, I have been involved with our criminal justice system. I have become committed to a program to streamline our courts to ease the crowding of dockets and to reduce the inconvenience to citizens and law enforcement professionals who must participate in trials.

Most of all, I have been committed to eliminating our outdated two-tier method of trying misdemeanor cases under which a defendant accused of a minor crime can receive two full trials, one at the district court level and a second on appeal to Superior Court.

To meet these needs, I am submitting a bill to eliminate the District Courts and to merge their functions and personnel into the Superior Court. The bill would empower the Chief Justice of the Supreme Judicial Court to create divisions within the court.

Our bill will also allow the Chief Justice to make the best use of local court facilities and personnel in ways that can maximize efficiency while minimizing time and travel.

Moreover, this bill continues the vital safeguards of the rights of all citizens to a fair and impartial trial.

At the same time, it will speed up the process of bringing cases to trial. There is no question that the certainty of a prompt trial is a strong deterrent to crime. The crowded dockets, the frustrations of victims, witnesses and law enforcement personnel and the delays in the system all indicate that the time for this reform has come.

Several years ago, the Legislature, acting with the best of intentions, enacted a bill to ban slot machines. Unfortunately, a loophole was discovered which permitted the introduction of similar gambling devices. While we outlaw mechanical slot machines, we permit electronic slot machines. This meaningless distinction without a difference has effectively frustrated the intentions of the Legislature. In fact, the very attempt to prohibit slot machines has inadvertently permitted them to spring up in family restaurants and other public accommodations in every part of the state.

Furthermore, the loophole has led to the creation of charities that exist on paper only, legal enough to qualify as non-profit organizations, but whose real purpose is to collect the proceeds of gambling.

Gambling takes its biggest cut from people who can least afford it. Inevitably, slot machines attract criminal elements. And at best, slot machines are an inappropriate way to raise money for a charitable cause. I cannot stand silently by and watch the State of Maine turn into one big casino.

I believe the loophole should be closed and that legislation to eliminate the machines that have become commonplace in Maine should be passed. The original intent of the bill to ban slot machines has my wholehearted support, and, I hope yours.

One of the serious problems facing Maine consumers today has been created by government itself.

In good faith, 44 years ago, Maine established a milk commission with the power to regulate the price of milk at every level of market.

Today, the Depression-era problems that created the need for the commission's broad authority are gone. But the powers remain. And with them remain artificially high prices and regulation that restrains trade and limits competition.

Therefore, I am submitting a bill to eliminate the commission's authority to set prices paid to milk processors, wholesalers and retailers. It is time we did this. Maine is one of the very few states that sets prices at those levels, and, as many of you know, our retail milk prices are much higher than they are in some of our neighboring states.

This bill will not disrupt the current formula for establishing prices paid to the farmers. The commission will retain the power to set that price. This administration does not intend to undercut the milk producer in our determination to protect the milk consumer.

The time has come for the Legislature to support a bill to make milk, one of our most basic commodities, available to the public in free and open market with the benefits of full and fair competition.

I believe that the energy problems facing this state and nation are profoundly serious.

We are now in the process of formulating state energy policies and strategies which will lay the ground work for this Administration's energy program.

During this past winter, Maine's heating oil inventories reached dangerously low levels. This is unacceptable.

We learned this winter that our state government can work effectively in dealing with a shortfall. But we also learned that we do not have access to accurate data to forewarn us of an impending shortfall.

Let me add that I spoke with President Carter about this problem yesterday. Our bill will require major oil suppliers to report to the Energy Office their inventory levels as well as projected deliveries.

Our long term energy strategy must include a strong effort at energy conservation. I am recommending legislation to establish energy efficiency building performance standards to ensure energy conservation in new construction.

As Governor, I pledge my support to improve the health and well-being of Maine's people. Health care services and costs which continue to rise at an alarming rate will be a central concern of this administration. Two areas in particular require our immediate attention. First, we need to develop effective alternatives for those who do not require the expensive level of care associated with hospitals and nursing homes. I support a greater emphasis on home-based health care services.

Second, we need to stress public health education and prevention efforts to combat such problems as poor nutrition and dental health, poor maternal and child health care and the illnesses caused by the use of alcohol, drugs and tobacco.

In the months ahead, this Administration will be making its best efforts to attack these problems and prepare appropriate legislation.

To further our efforts to help those who are least able to help themselves, I am pleased to announce that I have just signed into law L. D. 1169, the Supplemental Appropriations Bill that includes funding for sexually abused children.

Moreover, we support the concept of state assistance in providing operating funds for emergency shelters which protect and support the wives and children who are the helpless victims of family violence. This Administration is submitting funding in its legislative program to meet the standards of the Pineland consent decree, including those standards affecting retarded persons who have been discharged from Pineland into the less restrictive environment of the community.

My administration will support a measure to continue the funding of a program for displaced homemakers. This program provides employment training services to widowed or divorced homemakers who are unable to find gainful employment.

Of special concern to me are those families which must depend on State assistance for the

basic necessities of life. I hope that towards the end of this session, we can re-examine our financial situation to determine whether additional funds can be found to assist some of Maine's neediest citizens.

As Governor, I support legislation to convene a Blaine House Conference on Families and Children. The purpose of this measure would be to establish statewide regional task forces to discuss the problems of families and, at a future date, to provide a centralized forum for a comprehensive analysis of the regional conference's findings. I am convinced that responsible action by State government can make a difference in people's lives. Let us join together and make that conviction a reality.

Finally, we must give special emphasis this year to the problems of corrections. I am delivering to you today a written message outlining our problems and proposals in this critical area.

I recognize that the scope of this message is ambitious, for we are, in a single document, proposing major reforms in our court system, our property tax system, the milk price structure, truck deregulation and other areas of fundamental importance to the people of Maine.

These are bills that will make a difference in the day-to-day lives of the people we serve.

We believe the impact of these measures will be felt long after this session has adjourned and long after this administration has concluded.

These are bills that demonstrate that government can make a difference.

They constitute a legislative package designed to promote economic progress and simple justice and human dignity.

I recognize that the work you have to complete in the remaining weeks of this session is a responsibility of great proportions and importance to the people of Maine.

I wish you success in the deliberations ahead. Thank you and good afternoon.

At the conclusion of the Governor's address, the Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers, amid applause of the House, the members rising.

#### In the House

The House was called to order by the Speaker.

#### Reports of Committees Leave to Withdraw Tabled and Assigned

Mr. Masterman from the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit Hunting of Bear with Dogs and to Prohibit Hunting Bear with Bait" (H. P. 457) (L. D. 570) reporting "Leave to Withdraw"

The Report was read.

On motion of Mrs. Martin of Brunswick, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 10.

Mr. Strout from the Committee on Transportation on Bill "An Act to Provide Driver Competency Testing for Mopeds" (H. P. 881) (L. D. 1089) reporting "Leave to Withdraw"

Mr. Brennerman from the Committee on Taxation on Bill "An Act to Provide a State Income Tax Deduction for the Cost of Removing Architectural and Transportation Barriers to the Handicapped" (H. P. 916) (L. D. 1127) reporting "Leave to Withdraw"

Mr. Carter from the Committee on Taxation on Bill "An Act to Provide Elderly Persons More Time to Pay Their Property Tax Bills" (H. P. 915) (L. D. 1121) reporting "Leave to Withdraw"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Partially Exempt

School Books from the Sales Tax" (H. P. 938) (L. D. 1143) reporting "Leave to Withdraw"

Mrs. Hutchings from the Committee on Transportation on Bill "An Act to Exempt School Buses from Tolls on the Maine Turnpike" (H. P. 550) (L. D. 681) reporting "Leave to Withdraw."

Reports were read and accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act Relating to Self-insurance under the Workers' Compensation Act" (H. P. 396) (L. D. 526)

Report was signed by the following members:

Messrs. SUTTON of Oxford

PRAY of Penobscot

— of the Senate.

Messrs. WYMAN of Pittsfield

FILLMORE of Freeport

Mrs. BEAULIEU of Portland

Mr. DEXTER of Kingfield

Mrs. MARTIN of Brunswick

Messrs. BAKER of Portland

CUNNINGHAM of New Gloucester

Mrs. LEWIS of Auburn

Mr. TUTTLE of Sanford

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:

Mr. McHENRY of Madawaska

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, I move the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we would not accept the Majority "Ought to Pass" Report.

This bill was intended to help small business employees with workmen's comp. What we are allowing here is the various industries to join together and form a workmen's comp insurance for their employees. The end result will be that you are going to be hurting the employee. For instance, if you personally had \$10,000 in the bank to cover yourself in case someone gets hurt on your property or a fire or what have you, you have insurance which you pay every year and someone comes on your property and gets hurt, you are not going to say you have money in the bank to cover you, I will pay right off, but if you have insurance, you will say, hey, I have insurance that covers you, we will collect. That is the idea of self-insurers. I know because I work for a self-insurer.

It is a bad, bad idea, and when you get a group of small businesses getting together forming an insurance and they do not have to report or be responsible to the insurance commissioner, I think you are forming something that will hurt the employee. They might go into bankruptcy and a person might lose at the end of it. If you had an injury and you are supposed to receive 50 percent of that injury for the rest of your life, and if that company goes into bankruptcy, you lose out completely. The state will not guarantee it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 15 in the negative, the Majority "Ought to Pass" Report is accepted. The Bill was read once and assigned for second reading Monday, April 9.

#### Consent Calendar

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 536) (L. D. 657) Bill "An Act to Compensate for Certain Wells within Highway Rights-of-Way" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-177)

No objections being noted, the above item was ordered to appear on the Consent Calendar of April 9 under listing of Second Day.

(H. P. 231) (L. D. 336) Bill "An Act Relating to Weight Impacted by Tire Width of Tires on Certain Farm Trucks" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-178)

On the objection of Mr. Strout of Corinth, was removed from Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-178) was read and Adopted and the Bill assigned for second reading Monday, April 9.

(H. P. 578) (L. D. 726) Bill "An Act Concerning 8-Year Semitrailer Registration" (Emergency) Committee on Transportation reporting "Ought to Pass"

(S. P. 141) (L. D. 317) Bill "An Act to Clarify Standards for Consumer Membership under the Health Facilities Information Disclosure Act" (Emergency) Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-81)

(S. P. 289) (L. D. 848) Bill "An Act to Repeal Mandatory Public Meetings by the State Liquor Commission" Committee on Legal Affairs reporting "Ought to Pass"

(S. P. 288) (L. D. 851) Bill "An Act to Provide Malt and Table Wine Licenses for Ship Chandlers" (Emergency) Committee on Legal Affairs reporting "Ought to Pass"

(S. P. 160) (L. D. 335) Bill "An Act Exempting Certain Nonconsumer, Industrial Uses of Aerosols from the Statute Prohibiting Certain Aerosols" Committee on Energy and Natural Resources reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 9, under listing of Second Day.

#### Tabled and Assigned

(H. P. 594) (L. D. 738) Bill "An Act Concerning Rules and Regulations on the Licensing of Ambulances and Ambulance Personnel" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-179)

On the objection of Mrs. Prescott of Hampden, was removed from the Consent Calendar.

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and specially assigned for Monday, April 9.

(H. P. 543) (L. D. 674) Bill "An Act to Prohibit an Intentional Attempt to Elude a Police Officer through High-speed Driving" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-182)

On the objection of Mr. Marshall of Millinocket, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-182) was read by the Clerk and adopted and the Bill assigned for second reading, Monday, April 9.

(H. P. 601) (L. D. 748) Bill "An Act Concerning Appeals to the Superior Court" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-181)

No objections being noted, the above item

was ordered to appear on the Consent Calendar of April 9, under listing of Second Day.

#### Consent Calendar

##### Second Day

In accordance with House Rule 49, the following items appear on the Consent Calendar for the Second Day:

(H. P. 651) (L. D. 804) Bill "An Act Concerning the Term of Office of Plantation Assessors"

(H. P. 763) (L. D. 943) Bill "An Act to Amend the Excise Tax on Certain Pickup Trucks"

(H. P. 812) (L. D. 1014) Bill "An Act to Eliminate the Requirement that all Personnel Actions for the Judicial Department be Reported to the Commissioner of Personnel"

(H. P. 813) (L. D. 1015) Bill "An Act to Eliminate the Requirement that Judicial Department Payrolls be Approved by the Commissioner of Personnel"

(H. P. 412) (L. D. 513) Bill "An Act Concerning the Degree of Flammability of Insulation Installed in Residences" (Emergency)

(H. P. 484) (L. D. 614) Bill "An Act Relating to Guaranty Fund Requirements for Credit Unions"

(H. P. 485) (L. D. 615) Bill "An Act Relating to Lines of Credit Authority of Credit Unions"

(H. P. 421) (L. D. 516) Bill "An Act Relating to Attorney's Fees when Expenses are Paid in Workers' Compensation Cases" (C. "A" H-170)

(H. P. 597) (L. D. 741) Bill "An Act to Abolish County Subsidies to the Superior Court System" (C. "A" H-171)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

#### Tabled and Assigned

(H. P. 434) (L. D. 551) Bill "An Act Establishing Penalties for Cutting Timber Without the Owner's Permission" (C. "A" H-172)

On the objection of Mr. Churchill of Orland, was removed from Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I was asked to have an amendment prepared for this which I agree wholeheartedly with. It would be maybe I am not permitted to say, but in case of emergency, cutting along the highways. I can't get the amendment before Monday.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of the Committee Report and specially assigned for Monday, April 9.

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Authorize Municipalities of Under 2,500 Inhabitants to Permit other than Arborists to Remove Trees within Municipal Boundaries" (S. P. 219) (L. D. 761)

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

On motion of Miss Brown of Bethel, tabled pending passage to be engrossed and specially assigned for Monday, April 9.

#### Passed to be Engrossed

Bill "An Act to Authorize the Town of Dennysville to Vote on Certain Local Option Questions Concerning the Sale of Liquor" (H. P. 188) (L. D. 238) (Emergency)

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

Mr. Violette of Van Buren offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-164) was read by the Clerk and adopted.

The Bill passed to be engrossed as amended by House Amendment "D" and sent up for concurrence.

Bill "An Act Relating to Nomination Petitions for Municipal Office" (H. P. 556) (L. D.

703)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

Bill "An Act to Create a Lake Restoration Fund" (H. P. 734) (L. D. 921)

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

Mr. Blodgett of Waldoboro offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-184) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

Bill "An Act Concerning Nomination of Candidates for Municipal Offices" (H. P. 8) (L. D. 17)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

#### Amended Bill

Bill "An Act Concerning the Period of Liability of a Financial Institution on a Written Instrument under the Abandoned Property Statute" (S. P. 114) (L. D. 204) (S. "B" S-83 to C. "A" S-69)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence.

#### Passed to Be Enacted

An Act Relating to the Limitation on the Amount of Dependents' Group Life Insurance Which May Be Issued (S. P. 45) (L. D. 76)

An Act Regulating Hunting with Muzzle-loading Rifles (H. P. 498) (L. D. 622) (C. "A" H-138)

An Act to Designate and Mark a Trans-Maine Highway Trail (H. P. 576) (L. D. 724) (C. "A" H-140)

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

#### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill, "An Act to Make the Voluntary Payment of Workers' Compensation Nonprejudicial" (H. P. 417) (L. D. 542)

Tabled—April 14, 1979 by Mr. Wyman of Pittsfield.

Pending—Passage to Be Engrossed.

On the motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and specially assigned for Monday, April 9.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Vincent.

Mr. VINCENT: Mr. Speaker, is the House in possession of Bill, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances" (H. P. 18) (L. D. 35) (S. "A" S-67)?

The SPEAKER: The Chair would answer in the affirmative being held at the request of the gentleman.

The Chair recognizes the same gentleman.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Vincent.

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: I would move for reconsideration. There is an amendment that has been prepared, House Amendment, "A", to this bill. It is my opinion and quite a few other people that I have talked to in the legislative body here think that the present amendment, Senate Amendment "A", does nothing more than what is already existing on the law books and that the bill doesn't do as much as was in-

tended when it was first reported out of committee, where it received an overwhelming vote on two different occasions, 29 to 105 and 97 to 6. I think it was clear as to the intent of the people voting on this bill, when it first reported to the floor, that they wanted something done in the area of having juvenile names reported.

I think this amendment would move in the right direction and also maintain some of the discrepant motions of judges to suppress some of the information.

I would hope you would go along with the amendment and the reconsideration on this.

Thereupon, the House voted to reconsider its action whereby this bill was passed to be enacted.

On the motion of Mr. McKean of Limestone, tabled pending passage to be enacted and specially assigned for Monday, April 9.

The Chair laid before the House the following matter:

Bill "An Act to Provide Time for the Employee and Employer to Consider Payment of Compensation by Agreement" (H. P. 141) (L. D. 161) which was tabled earlier in the day and later today assigned pending further consideration.

(In House: the Majority "Ought Not to Pass" Report was accepted) (In Senate: Passed to be engrossed as amended by Committee Amendment "A" (H-158) in non-concurrence)

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, I move that the House adhere.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this, I would just refresh your memory as to the nature of this particular legislation.

This bill, the essence of it, I believe, is to rob the injured employee of his right which is now protected under the existing current law to have legal counsel at the expense of the employer.

We are not talking about making any progress as far as the employee is concerned in this particular item and the previous item that was tabled. What we are talking about is the very basic right of an employee, who has been injured on the job, that the employee now has under the law.

Before we vote on this, I hope you all realize, and I think if you look at the record that you will note that the objections that I had earlier in the week on this particular bill, that what we are talking about here is taking back some of the rights that belong to the employee now under the law. If you believe that we should take back some of those rights, then you will support the legislation. If you think that the present balance that we have between employee and employer which now exists under the current law and having evolved through many different changes over the years, in a very complex and very sensitive system that I believe is presently balanced out, then I hope that you will defeat the motion which is pending to recede and concur so that we may adhere and kill the bill, which is a very bad piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't consider that this bill is robbery at all. In fact, Maine is the only state in the nation—in the union too—to allow the employee to get legal fees at the employer's expense whether or not the employee is right.

What this bill does and there is one very important part of it that I will call to your atten-

tion that the gentleman from Pittsfield told us was not necessary because it was covered in another bill. This other bill that it is covered in has been tabled all week long and I noticed that it was tabled again today. That is the part that says, that an employer can make payments to an injured employee before any compensation agreement has been made so that the employee does have some money coming to him, without the employer having that necessarily proof of guilt. Everybody in the committee agrees that is good. Why it is being tabled all week long I don't know, and because it is being tabled and having been enacted, I am a little bit suspicious.

What this bill actually does is and I think it is pretty simple, it says that if an employee has been injured during the first ten days, he will not have any counsel fees paid while the employer and the employee decide whether or not there is truly an injury that is work related. For the next 30 days, which is a total of 40 days, the employer can make voluntary payments to the employee whether or not there is any admission of guilt whatsoever, and if the employee actually loses the case, he keeps those payments. There is nothing that says he has to pay back. But, if, at the end of 40 days, the employer decides that he doesn't want to make those payments anymore, then he has to pay legal fees for the employee to hire a lawyer to plead his case for Workmen's Compensation.

I can't see where it is any kind of robbery bill. I think it is a very fair bill and it seems to me it only makes sense. Where else does a person get legal fees paid, whether he is right or wrong? This is the only place in our statutes and as I said the only state in the country that does have such an agreement. I would have to say I think it is a very good bill, a very fair bill and I hope that we will recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Peltier.

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of a blue ribbon committee that was organized last fall to try and offset the rapidly rising costs of Workmen's Compensation. This is one of the recommendations and I presented the bill. I had been flushed out. The bill had been printed about two days, when I had a phone call informing me that some character in Augusta had a bill in that would do away with lawyers and I denied that, of course. My interest in this bill is, that it is an attempt to encourage the prompt settlement of Workmen's Compensation cases with the involving of legal costs being the exception rather than the rule.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I will make this brief. L. D. 161, in my opinion, as well as the committee's opinion, is the prime example of mismatching the problem and the solution. This bill does not meet the question fairly. It is a prime example of decreasing employees rights, and in my opinion, over the long run, would also hurt the employer. I would hope that you would vote to adhere.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Lewis of Auburn requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: The blue ribbon committee, which the sponsor of the bill has mentioned was a committee that was appointed by, I believe, the preceding Governor, Governor Longley, to investigate areas where improvements could be made in the workers' compensation system.

I would remind each of you, because most of you would not be aware of this, that the committee was comprised principally of businessmen. Now, I do not have a list of committee members but a list of the committee members was read to us at the hearing and who they represented, and the representation was very large on the committee in terms of insurance companies and businessmen.

I certainly share a concern that you all share in trying to expedite matters and that I think that his excellency, the Governor, has recommended one piece of legislation which would serve the purpose of doing this. I think we also ought to be very careful and very concerned before we vote for any legislation which is going to expedite matters, so called. The expense of the rights, which working men and women are now entitled to under our present law. I do not believe that any of us have a sincere interest in turning the clock back as far as our workers are concerned. I think we are interested in seeing justice, I think we are interested in seeing fairness and I think within those perimeters and within those principles, we are interested as well in seeing an expedition of these items.

I ask you to think very seriously before you vote on this just what you are doing to the working men and women. And I will tell you this—if we pass this bill, the effect of it will be that our working men and women who are injured on the job, not all of them but a good percentage of them, will be very reluctant to pursue a case because they will not be in a position to pay for legal counsel should they not prevail.

The proponents of this legislation would have you believe, ladies and gentlemen, that the only thing we are talking about is the poor 'ma and pa store' that has an injured employee and we are trying to make it fair to them and fair to the employee, but we must also keep in mind, and I think this is extremely important before we vote, that we are talking about a billion dollar corporation in this state, billion dollar corporations, with all the legal expertise, with all of the actuarial support that they need in any worker's comp case, and we are stripping the employee of every bit of protection under the law. To me, that is not weighted equitably and fairly.

I am not suggesting to you that we give the injured employee anything which the injured employee should not be entitled to. I am only appealing to you on the grounds of fairness, and I am also appealing to you on the grounds of caution, because our present system has been in effect for a good number of years and it has worked very well. I hope that you will guard against the erosion of employee rights under our workers' comp law. So, I hope that on this particular motion that you will vote against the motion to recede and concur so that we might adhere, we might kill this particular bill and we ought to look and examine other approaches such as the governor has suggested in dealing with the problem. I am sure you are concerned with expediting the system, but let's not do it at the expense of our working people.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I was very interested this morning to hear the gentleman from Pittsfield speak of balance, and frequently in his remarks he gets a little out of balance and I think it is about time we set the record straight right

now.

First of all, I am sure the gentleman realizes that I, and I presume several other people in this hall, are businessmen. Frankly, I don't think there is any reason to believe that businessmen don't function well on committees dealing with business, nor do I think they necessarily give decisions which are prejudiced against individuals or the working people or anything else. They make decisions based on good business judgment, and this is what we want them on commissions for.

I hope the gentleman wasn't indicating they were all businessmen, but I did take a little umbrage at this concern and his inference that because the committee had businessmen on it that somehow or other the decisions of that committee might be suspect. I submit, ladies and gentlemen, that businessmen have a great deal to do with how well the economy of the State of Maine goes.

The gentleman also spoke of balance in connection with the bill itself. Frankly, I can't see the balance where no matter whether a claim is frivolous or not the claimant knows that he is going to get his legal fees paid by the other side of the question. That is so fundamentally unbalanced that I am surprised the gentleman brought the word balance into the equation. There is no balance there at all, but I will leave that to your judgment.

Finally, he spoke very rhetorically of the billion dollar corporations in this state. Well, I would remind the gentleman that there are some \$50,000 corporations that also are required to have workmen's compensation. Most of these \$25,000 corporations don't have attorneys on retainer, so they have got to go out and hire an attorney, too.

Now, you know, it kind of gets down to tit for tat, and that is where the balance is, when both sides are sort of even.

We aren't stripping anybody of any rights. The rights are there for both sides under the present law; they would be there for both sides under this law. The only difference is, we would be restoring some balance to the bill, to the law.

I urge you not to adhere because, obviously, if you adhere today, this bill is dead, ladies and gentlemen. Therefore, I urge you to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker and Members of the House: I have heard some eloquent debate here, it seems to me, on L. D. 428, and the reason I arose a minute ago is because the gentleman from Sanford mentioned 428 and then he corrected himself. Would you please tell the House if we are on 1-8 or 1-9. I believe we are on 1-9 and I think that some people here have been debating issue 1-8.

The SPEAKER: The Chair would advise the gentleman that we are on 1-9.

The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I suppose you wonder why a member of the legal profession would stand up and address this issue here. Well, perhaps it is because I feel that this legislation really is needed in order to protect both employer and employee from unnecessary involvement of lawyers in a dispute that may be settled amicably. Under the present law, it seems to me that it is practically compelled that lawyers get into the act. I don't think that this good law, I don't think it is good for the people, it is not good for the workers. I think this bill accomplishes a very necessary improvement in the system. Let's try to keep the lawyers out of the act if at all possible and let the parties settle their differences amicably.

I suggest to the gentleman from Pittsfield, Mr. Wyman, that the Committee Amendment adequately protects the worker's interest.

The SPEAKER: The Chair recognizes the

gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: After listening to the debate today with careful consideration, I always like to hear the lawyers' viewpoints because so many times they see things in a very fair position, all in their position. They can't see whether it is fair for the employer or fair for the employee. You know, that kind of bothers me a little, because I have had many lawyers come before bills that I have put in and, boy, can they be picayune—little pieces of the bill. They can truly tear it apart. Sometimes it is just about one word and because of that one word in there, all of a sudden my bill is no good. You know, they do the same thing when employers are concerned. They can really tear something apart or they can build it up, and you know as well as I do that the employees of this state have certainly suffered under the present laws we have had down through the years, and in the last few years we have attempted to scratch the surface to give them the same respect and dignity that we want but we don't want to pass on to them.

Anytime we have a bill that is under the workmen's comp and you always pick things apart, and not being on the labor committee this year, I don't like to get involved in labor bills, but I can assure you, my friends, this is not a workmen's bill. This is a bad bill, and I would certainly urge the members of this House to have a little consideration. I have heard bills come back from the other end where you know what is going to happen when it does go down there—well, this is not our business. We don't care what happens down there. We should act in good judgment as to what we are capable of doing in passing legislation.

When we sit in this House without consideration for those who are injured on jobs and who have to make a living by being out, I could tell you pitiful cases, but it is Friday afternoon, I know you want to get out of here, as I do. We have to get out of here early today, but, if it means staying here to debate bills that will benefit the working people of this state, then I say we should stay here.

I would certainly hope that the members of this House today would follow the advice of Mr. Wyman.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I feel I owe an apology to the House for scratching the surface of the gentleman from Westbrook.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a couple of remarks. One, it is a lawyer's bill, no question about it. When Mr. Wyman said that the people who get hurt really would be lawyers, there is no question about that.

I would tell you, too, that this law presently is the federal law as far as workers' compensation goes, so this is nothing very unusual. The federal government treats workmen's compensation cases exactly this way, and we are the only state in the nation that treats them otherwise.

Also, one other remark, that that Blue Ribbon Council that studied workmen's compensation and came up with the idea for this bill had one quite illustrious member by the name of Harold Loring, who was the labor member of the Unemployment Security Commission, came before our committee to be confirmed, and I think he would be very surprised if he was referred to as a businessman.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker and Members of the House: A lot of times during debate on any number of issues, members of this body, and I have been among them, have taken potshots at the lawyers, but when the lawyers get up to

take potshots at the lawyers, I really have to chuckle.

I think the attorney's fee issue in this bill that has been raised is really kind of non-issue. I think the real issue that I have discovered recently that has concerned me is when attorneys paid by the commission also turn around and collect a fee from their clients. That practice is going to be stopped, assuming the bill that Representative Garsoe and I are sponsoring works its way through the Consent Calendar, as it seems to be now, and I hope that will be enacted into law soon and put an end to a real abuse.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, what it would do, if a person gets injured on the job, he is in the hospital, comes out of the hospital, he files for his workmen's comp and you are saying no, you cannot be represented by a lawyer unless you go into your pocket and pay \$50 an hour for an attorney, out of your own pocket, in order to be represented. You stand up there and you have the company's lawyer right there and you have the company there and this person is afraid of losing his job. He doesn't have any food on his table and he is going to sign any darn thing they put in front of him.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Members of the House: Just to correct what the gentleman from Madawaska said, that is not the case in this bill at all. The person can hire a lawyer at his own expense, I will agree. If he is not too sure that he has a case, it would be at his expense. If he is quite sure he has a case, he would absolutely be reimbursed.

The lawyer, in most cases, would charge him nothing, because it is only to make a determination whether or not he has a case. If the lawyer is really kind of a shyster and is out for every penny he can get, he might charge as much as \$30, but otherwise, he would charge nothing because he knows he has a case.

If a person is in the hospital with a work-related injury, there is no question whatsoever but what he has a case.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here and voting, he would be voting nay and I would be voting yea.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, I would like to pair my vote with Representative Baker from Portland. If he were voting, he would be voting nay and if I were voting, I would be voting yea.

#### ROLL CALL

YEA — Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Gavett, Gould, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Jackson, Kiesman, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, Maxwell, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth, Whittemore

NAY — Bachrach, Barry, Beaulieu, Benoit, Berube, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carrier, Carroll, Carter,

D.; Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble; L.; Elias, Fowle, Gillis, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Prescott, Reeves, P.; Rolde, Theriault, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker

ABSENT — Berry, Blodgett, Brannigan, Garsoe, Immonen, Kelleher, Lancaster, McMahon, Post, Silsby, Simon, Tierney.

PAIRED — Jalbert-Soulas; Baker-Leighton Yes, 65; No, 70; Absent, 12; Paired, 4.

The SPEAKER: Sixty-five having voted in the affirmative and seventy in the negative, with twelve being absent and four paired, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Workers' Compensation Laws" (H. P. 312) (L. D. 428) which was tabled earlier in the day and later today assigned pending further consideration. In the House: Ought Not to Pass" Report accepted. In the Senate: Passed to be engrossed as amended by Committee Amendment "A" (H-159) in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, I move that the House adhere.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: If you will take out Committee Amendment H-159, which is on this bill and take a look at it, it changes 110 of the present law. This is the bill that deals with who is going to pay the attorneys. In that first sentence of the amendment, under that section, it says the Commission or Commissioner may assess the employer a reasonable attorneys fee to be paid to the employee's attorney whenever the employee prevails. I think that is the issue.

Under the present law, if an employee files a complaint against an employer, under Workmen's Compensation, the employee's attorney is paid regardless of whether or not the employee wins the case. Now, I think it is pretty hard to explain to an employer after he has successfully defended himself against workmen's comp case, why he should have to pay the employee's lawyer's fees.

I think this amendment will do two things. First, I think it will give the incentive for the employee's lawyer to work hard for the employee bringing the case. At the present time, the lawyer knows he is going to get paid regardless if the employee wins or loses the case. I would suggest that does not provide much incentive for that person to do a good job.

Secondly, I think it will limit the amount of frivolous claims that are brought. You know, we talk about Workmen's Comp and bringing cases and you know under the present law, the employee is very well protected.

I would be glad this afternoon to vote with Mr. Wyman if he can convince me and justify why, if he is concerned about the balance between employee and employer, why in a case where the employee loses the claim, should the employer pay the employee's attorney's fees. If he can justify that kind of philosophy and that reasoning, I will be glad to vote with him and I am sure he will address himself to that point.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to address the general issue. I think that the issue involved here is very similar to the preceding bill that we voted on. I hope that those that voted to adhere on the previous motion will do so again because I think that the real issue, the fundamental issue is identical. There is no distinction.

What we are speaking about is changing the current law, altering it so that an employee, who is injured, has to be absolutely certain that he is going to prevail. If he happens to be an employee and I know that maybe there are certain ones—perhaps Mr. Boudreau and some other members of the Legislature do not agree, in many cases, an injured employee having been injured and out of work for some period of time, especially if he was on a low paying job to start with, may not be in the best financial position to pay an attorney \$50 or \$60 an hour, which is what attorney fees are, I understand. I believe that was quoted by a member of the opposition. So, the employee, who has been injured, is faced with a choice, to just forget it, not try to get compensation, or to go ahead and take his chances and just hope and pray that he prevails, because if he doesn't, he is behind the eightball financially for a good period of time.

I don't know if the gentleman from Waterville, Mr. Boudreau has ever attended a Workmen's Compensation Commission hearing, but I have, in our Somerset County town of Skowhegan. I talked with some of the employees. I listened to their case, listened to the attorneys, who were quite capable, representing the insurance company on behalf of the employer and I came away convinced that we are fortunate in this state, that we may be the only state, that we may be leading the way for the rest of the nation. There was a saying at one time, "As Maine Goes, So Goes the Nation." I guess it is only on certain items but I happen to believe that Maine has got a progressive law, a fair law, and an equitable law. I came away, spending three or four hours at a Workmen's Comp hearing, absolutely convinced that our system does justice to both the employer and the employee. The employee should not be intimidated, the employee should not be fearful of asserting his or her rights under our current law. If we say to all injured employees, you better make sure that you are going to win, otherwise don't try to bring this case before the commission because if you should lose, you have lost more than the case. Because remember, if a person loses, they not only lost their workers' comp, but if, in fact, they still have an injury that has not been judged compensable under the law, they are out of work, they have a family to feed and now they have an attorney's fee to pay. It may be \$400, it may be \$1,000, it may be \$600, depending upon the amount of time and what the attorney's rates were.

Now, I submit to you, ladies and gentlemen, that our law is working fairly, that it is working equitably. It may not be working as efficiently as we would like but sometimes we sacrifice a little bit of efficiency in the name of justice and fairness. I am absolutely convinced that the law is fair.

Now, the gentleman, Mr. Boudreau, has pointed out that the employer must pay the employee's legal fees whether he prevails or not. Now, there may be those cases where the employer would not be in as good a financial position as the injured employee to pay the legal fees. I submit to you, ladies and gentlemen, that those are relatively few cases. In most cases when an employee is contesting an award for workers' comp, the employer is in a much better position to absorb the costs than the employee.

I think the real bad aspect of this legislation and I want you to consider this very carefully, I think the worst aspect of this is that it is going

to discourage, not frivolous cases, not people who are going to stand up, I am sure they are all ready now to stand up and say one of the great benefits of this is that it is going to discourage these frivolous cases when employees haven't got any grounds and they want to bring this just to see if they can make something for nothing—you know, we may discourage a few frivolous cases but, in the midst of discouraging those few frivolous cases, and I don't know how we decide what is frivolous and is substantive, I guess that is a personal judgment we have to make each one of us, one person's frivolous case may be another person's very good case, but in the process of discouraging those frivolous cases, we are also going to be discouraging the injured employee who may have a very good case but is afraid. If you think that employees are bold and they know their rights under the law and they are anxious to assert their rights, you should have been with me that afternoon. The employees that I talked with and the employees that I heard were very bewildered, they were uncertain, and I am glad that they had legal council and I am glad that someone prompted them to take the case before the commission and that they were not held back because they didn't think they could afford to state their case before an impartial jury.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: There is a general issue here that I have been interested in the past couple of months. I have been trying to get one of my attorney friends to explain to me why we can not have a judicial system where, in a lot of cases, the loser pays. I have a constituent that was brought to court by the state, charged with an offense, had to hire a lawyer, it cost my constituent \$2,000 to defend himself against an attorney that was being paid by the taxpayers.

My constituent said, if government wants to take me to court and they lose why shouldn't they pay my attorney's fees? I think this is an issue and when I have addressed it to my lawyer friends, they never seem to be able to answer. But, of course, you and I know why that system is not like that.

I would suggest that if Mr. Wyman were to bring a case against me for whatever reason, a civil case, Mr. Wyman forced me—I do not have a lot of financial resources to get a lawyer, it would cost me \$400, \$500 or \$600, I would hope that my attorney would ask the judge to award, in this case, if I should defend myself or be acquitted, I would hope that my attorney would ask the judge to ask Mr. Wyman who tried to sue me to pick up my lawyer's fees.

I have never been able to answer my constituents as to why the public should have to protect themselves in cases against government agencies, people in the Attorney's General Office, hire lawyers, it costs them a lot of money and, in the end, they are acquitted and the only thing they are out of is a couple of thousand bucks or a couple of hundred bucks or whatever it costs. I think to be consistent, you would have to say, that if an employee brings a claim against an employer, and that employee has a justifiable claim, a claim that employee can back up with fact, with substance, that if that employee loses, the employer shouldn't have to pick up the tab.

Now, every time Mr. Wyman and I talk about labor relations or labor bills in this state, of course, he always talks about the big corporations that have the big lawyers and it always seems like Mr. Boudreau is here talking with the big corporations and the big lawyers and he is talking for that poor little guy in Pittsfield who can't hire an attorney. That doesn't bother me that much but there are small employers in this state, when their employees bring action against them and they will win the case, they

will defend themselves, then the employee's attorney sends a bill to the employer saying, you defended yourself, you have been acquitted but here is a bill for Mr. Wyman's lawyers fee's incurred as a result of this case.

Now, if you really want to be fair and, under this amendment, by the way, if the employee brings a claim against an employer and is successful, the employer has to pick up the tab, under this amendment. The employer is forced to pick up Mr. Wyman's lawyer's fees, if Mr. Wyman's case should be ruled in his favor. Fair enough. However, if Mr. Wyman should bring a case against his employer and he loses the case, I don't think it is fair to force the employer to pick up the tab.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitated first to get into this debate because I would probably be classified as being partial to one particular issue because I am a lawyer.

However, I think that there has been a few misrepresentations made about this whole area of worker's compensation. Worker's compensation is an insurance plan. Believe it or not, about 50 years ago, the employers of this state went to legislatures who in fact, favored such plans. The reason they favored such plans is because the employee, if he accepts workers' comp, waives any right that that individual has to sue in civil court like Mr. Boudreau mentioned. What does that mean? That means that little gas station who pays his worker's compensation insurance every year, the premium every year, might complain to you about that particular insurance and grant you, it is pretty high. However, one negligent claim or one civil case, if it was brought by an employee if that employee got injured on the job, could wipe that little small gas station out. So, there is a balance and a trade-off. The trade-off is the employee waives his right or her right to sue civilly for Workmen's Compensation insurance coverage. We are not talking about a court case. We are not talking about a civil case in the awarding of attorney's fees which are allowed by the way, in both the case of civil cases with claims that are frivolous and which is found by the court not to be sincere in nature. We are talking about a situation where an employee has been injured, the employee, in most cases, in the little experience that I have had, doesn't know unless he is represented by an organization, doesn't know his or her rights under the law. They don't even know that the insurance company of the employer or the carrier of the employer's insurance pays for the attorney's fees and those people now, even though, under the law in all cases, the attorney's fees are paid by the insurance carrier, not by the employer. Most employees don't know that. Under the existing law, people don't know it and they are discouraged from coming to people, such as myself, for legal advice to handle their case. I have had two or three individual cases where people have come to me, having been in pain for a long period of time, but they were afraid to file any type of claim because they thought it would cost them money. They thought they would have to pay some high powered lawyer a lot of money. We are not talking about a civil case, we are talking about an insurance program. The employer is covered under the insurance program if he so desires. If he desires to, that means that the employee can't sue him or her in a civil case.

If you don't allow attorney fees for unsuccessful cases, you are going to discourage a very sincere individual, and not the person trying to rip off the system, from coming to a lawyer and filing a claim. I think that is unfair.

We have a law in the State of Maine, which is a good law compared to many states in the workers' compensation field. I would hate to see the Maine Legislature during this session

weaken something that is very precious to the working people of this state, and that is security if they are injured on the job.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of things I would like to clear up. In response to the gentleman from Pittsfield, Mr. Wyman, speaking about the high attorney's fees with which the worker would be faced in the event he lost his claim, I believe the quick answer to that is that many lawyers in this state, and I would warrant that the gentleman from Saco is included in this group, will take a claim on a contingent fee basis. If the claim is successful, the attorney gets paid; if the claim is unsuccessful, the attorney does not get paid.

I know of no prohibition under the labor laws that would prohibit attorneys from prosecuting claims for workers on a contingent fee basis. Therefore, I think it is a little unfair to say that this law would force a worker into the position of taking his chances on having to pay a high legal fee and get nothing for his effort. I believe if there is merit in the claim in the first place, any attorney worth his salt would take it on a contingent fee basis.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: I would like to inform the gentleman from Wiscasset, Mr. Stetson, that under present law, contingency fee agreements are prohibited under the Worker's Compensation Commission Act. Also, I should inform the gentleman, that only in lump-sum cases where an individual will receive X-number of dollars and waive all weekly rights to that particular claim, that individual is limited by the Workers' Compensation Commission to 10 per cent, and it can be much less if they so desire.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Lewis of Auburn requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If Mr. Jalbert were here and voting, he would be voting yea.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, I request permission to pair my vote with the gentlelady from Falmouth, Mrs. Huber. If she were here, she would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, I request permission to pair my vote with the gentleman from Scarborough, Mr. Higgins. If he were here, he would be voting yea and I would vote nay.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Berube, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley,

Fenlason, Fillmore, Gavett, Gould, Gray, Hunter, Hutchings, Jackson, Kiesman, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tozier.

NAY — Bachrach, Barry, Beaulieu, Benoit, Birt, Blodgett, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Hughes, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Strout, Theriault, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Baker, Berry, Brannigan, Bunker, Garsoe, Immonen, Kelleher, Lancaster, McMahon, Simon, Tierney, Whittemore.

PAIRED — Higgins: Howe, Huber; Nelson, N.; Jalbert; Soulas:

Yes, 57; No, 76; Absent, 12; Paired, 6.

The SPEAKER: Fifty-seven having voted in the affirmative and seventy-six in the negative, with twelve being absent and six paired, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Vose of Eastport, adjourned until Monday, April 6, at nine-thirty in the morning.