

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 3, 1980 to May 1, 1981**

KJ PRINTING  
AUGUSTA, MAINE

**HOUSE**

Friday, April 3, 1981

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

Prayer by the Reverend Russell Joyce of the Trinity Assembly of God, Gray.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:

The Senate of Maine  
Augusta

April 2, 1981

The Honorable Edwin H. Pert  
Clerk of the House  
110th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass report on Bill, "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act", (H. P. 863) (L. D. 977)

Respectfully,  
S/MAY M. ROSS  
Secretary of the Senate

Was read and ordered placed on file.

Bill, "An Act to Amend the Maine Nonprofit Corporation Act" (S. P. 542) (L. D. 1513)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, referred to the Committee on Business Legislation in concurrence.

RESOLVE, to Reimburse John W. Churchill of Presque Isle for Property Loss Suffered by John W. Churchill Because of Acts by a Ward of the State (S. P. 543) (L. D. 1514)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, referred to the Committee on Legal Affairs in concurrence.

**Reports of Committees  
Ought Not to Pass**

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill, "An Act to Remove the Length Limit on Ice Fishing Catch" (S. P. 371) (L. D. 1113)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

**Leave to Withdraw**

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill, "An Act to Allow a Single Permit for Hunting Animal Predators" (S. P. 410) (L. D. 1214)

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill, "An Act Relating to the Definition of Teacher under the Maine State Retirement System" (S. P. 423) (L. D. 1244)

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Increase the Minimum Retirement Allowance under the State Retirement Law" (S. P. 395) (L. D. 1188)

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill, "An Act Concerning Retirement of Personnel at the Maine Correctional Center and the Maine Youth Center" (S. P. 393) (L. D. 1186)

Came from the Senate with the Reports read and accepted.

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

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill, "An Act

Removing the Union Security Provision in the University of Maine Labor Relations Act and Prohibiting Certain Conditions of Employment" (S. P. 42) (L. D. 43)

Report was signed by the following members:  
Senator:

DUTREMBLE of York

Representatives: — of the Senate.

MARTIN of Brunswick  
BAKER of Portland  
LAVERRIERE of Biddeford  
McHENRY of Madawaska  
BEAULIEU of Portland  
HAYDEN of Durham  
TUTTLE of Sanford

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:  
Senators:

SEWALL of Lincoln  
SUTTON of Oxford

Representatives: — of the Senate.

FOSTER of Ellsworth  
LEWIS of Auburn  
LEIGHTON of Harrison

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Majority "Ought Not to Pass" Report in concurrence.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask first for a roll call and speak very briefly. We debated this issue, which is the issue of right-to-work versus compulsory unionism, very extensively yesterday, and I won't bother to do that again today.

I would just remind you that this is a situation where a great inequity is put into place, because we don't have statutes giving us the right-to-work or, for that matter, agency shops, so we have a situation where a group of University of Maine faculty is a bargaining unit subjected to compulsory unionism, while other bargaining units at the same university, not to mention other bargaining units throughout the state, are not subject to compulsory unionism.

I hope that you will oppose the pending motion.

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 pending question is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Dudley, Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hickey, Higgins, H. C.; Hobbins, Jacques, Jalbert, Joyce, Kany, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, A.; Martin, H. C.; McGowan, McHenry, McKean,

McSweeney, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Strout, Swazey, Theriault, Thompson, Tuttle, Twitchell, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Canary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McCollister, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT: Hayden, Kane, Kelleher, Ketover, Manning, Michael, Vose.

Yes, 76; No, 68; Absent, 7.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-eight in the negative, with seven being absent, the motion does prevail.

The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, having voted on the prevailing side, I move that we reconsider the action we just took and hope you all vote against me.

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted in concurrence. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-70) on Bill "An Act to Place a Maximum Limit on the Inflation Adjustment under the Workers' Compensation Act" (S. P. 281) (L. D. 789)

Report was signed by the following members:

Senator:  
DUTREMBLE of York  
— of the Senate.

Representatives:  
HAYDEN of Durham  
LAVERRIERE of Biddeford  
McHENRY of Madawaska  
MARTIN of Brunswick  
BAKER of Portland  
TUTTLE of Sanford  
BEAULIEU of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Senators:  
SUTTON of Oxford  
SEWALL of Lincoln  
— of the Senate.

Representatives:  
FOSTER of Ellsworth  
LEIGHTON of Harrison  
LEWIS of Auburn

— of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report as amended by Committee Amendment

"A" in non-concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: The Democratic Party in the House today speaks in a single voice, a voice of quiet determination but very real determination, that any changes in the workers' compensation laws of the State of Maine will be made in a responsible and bipartisan manner. We will not continue a helter-skelter, piecemeal approach to a very complex system of law that was put together by both Democrats and Republicans, by both businessmen and laborers. We will not deal with the legitimate problems that exist at the sole expense of the injured worker.

We are united in our belief that changes must be made, but they must be made in all areas, in the areas of insurance, physicians, and the very process itself.

We did not come here to represent only the business community, nor did we come here to represent only the working man. No, we represent the entire State of Maine, all factions, all segments.

It would be irresponsible to try to solve the problem of a very complex nature at the expense of a single group.

There are almost 40 bills dealing with workers' compensation in this session of the legislature. It is impossible for 151 of us to understand all the implications of so many bills and yet tend to our other responsibilities in appropriations, taxation, highway funding, and all the other special bills that are here before this session. We simply could not do them justice and it is ludicrous to believe that we could do so.

In our united voice today, we send out this word to the opposition party, to the people of the State of Maine, and to all the special interest groups that roam the hallways — our vote today does not speak to the issue of whether or not there should be a cap on workers' benefits. As a matter of fact, this L. D. could well become part of a package that we adopt before we leave. But rather we speak to another cap, a cap on the notion that they are going to be one-sided solutions to a very complex problem.

You have been given a great deal of literature. I have a folder so high in my office from every segment who is interested in this problem, this very real problem; I am sure you do too. But reading through them carefully, I find that we are really more in agreement than in disagreement. In a folder from the insurance industry, study after study indicates that it is not the level of benefits which is the prime culprit of escalating costs.

In a notice from the National Federation of Independent Business, they report to us that 91 percent of the Maine National Federation of Independent Business members favored redesigning the workers' compensation laws "in order to make it more equitable for both employees and employers." We agree. They go on to say, however, that there is no single remedy to the problem posed by today's workers' compensation situation in Maine. The factors which have led to today's crisis are complex. That may be the understatement of the year.

The message should be clear that we will not turn our backs on the injured worker; we will not be bullied nor intimidated to do that. But the message should be equally loud and clear that we will not turn our backs on the business community, for we represent all of them. We simply say that both sides must sit down and reason together, and I firmly believe that we can do that for the interest of every citizen in the State of Maine.

Time is of the essence. The calendar today says there are 38 legislative days remaining. We are all united in our determination to accomplish something that is fair in this session, within these 38 days. I say, let us get on with the business we were sent here to do and work

for a very reasonable solution to a complex problem.

Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am very sorry that a lot of arm twisting has gone on today on what is probably among the most important issues that we are dealing with in this legislative session. We are not turning our backs on the injured worker, since the benefits for the injured worker will still be among the highest in the nation, even with this cap. This cap is a plea to help us get the system under control. We all know that the only person who suffers by these high rates is the consumer. The businessmen pass on their costs to the consumer, and it is you and it is I, and it is every person in the State of Maine that is currently suffering. I would like to now get on to a few specifics about workers' compensation.

We all know that workers' compensation is insurance, and when you buy insurance, you pay higher rates depending upon the types of benefits that you want to receive. For example, if you want a \$10,000 life insurance, you have to pay more for it than if you want a \$5,000 life insurance. Well, in the workers' compensation type of insurance, the benefits are specified by law, and those benefits are the third highest benefits in the nation, so quite obviously the rates are right up there with them.

One of the most costly parts of our workers' compensation system is this inflation adjuster. Only a few states have an inflation adjuster, and this means that automatically, because of the inflated wages, workers receiving benefits receive a higher premium.

Thirty-five states do not have an inflation adjuster at all, so even if we put on this cap, we will be better than 35 states, and obviously not hurting the injured worker. Note that the inflation cap is related to wages and not related to the outside world. In the past 10 years, the inflation adjuster has never equaled 10 percent. In fact, the inflation adjuster has always averaged between 5 and 6 percent.

The reason why this inflation adjuster is so expensive is because of the problem of reserves. A reserve is an amount set aside and invested by an insurer to cover the long-term cost of a claim. Insurance carriers cannot predict future inflation rates, and as a result they generally over-reserve to be on the safe side so they can be sure that our injured workers will be paid the benefits that are stipulated by law. This directly affects the rates, since the reserve is considered to be a loss, and rates are determined by a comparison of how much the carriers receive annually in premiums and the amount that they pay in losses.

I think what is happening is very similar to what has happened in the social security system in the United States. Because people that are receiving benefits today had the rates paid for them years ago and now are receiving much greater benefits, today's ratepayers are forced to pay even higher costs to pay for this inflation. Particularly those of you who are trying to live on social security, you know what a problem this is, and just remember, the problems with the social security system are very similar to what has happened to the workers' compensation system in Maine.

L. D. 789 will address the problem of escalating rates without hurting our injured workers. You have all been getting a great deal of mail on this problem, so I am sure that you are all well aware that this is affecting just about everybody in the state of Maine. If we can pass L. D. 789, we will restore predictability to the reserve problem and we will reduce the overall cost to the system by 8 percent. Eight percent is a sizeable percent to reduce the overall cost of the system, when we are not going to be hurting the injured workers because their benefits will certainly be better than in 35 other

states.

The workers' compensation system is clearly out of control and what is at stake in Maine is jobs. Many, many businessmen testified to our committee to say that they would like to expand their business by hiring new people but they could not afford the overhead of paying these worker comp costs so they said forget it, we will not expand our business. Who loses? It is the worker of Maine who loses, because he doesn't get a job, he is forced to stay on unemployment.

Please help us to put the system on hold right now, today, so that you can go home at the end of this week and know that you have done something that will not damage the injured worker and that will help the consumers in Maine and it will help the workers in Maine by helping to create jobs. Current rates are just too expensive, and this is not a piecemeal approach. This is an approach that was considered seriously by many, many people in this state, including the Blaine House Small Business Conference. This is not a piecemeal approach, it is something that we have all been aware of and concerned about, and if the Democratic Party feels that this is a piecemeal approach, then why did they allow the majority of Democrats on the Labor Committee to put this bill out onto the floor? If Democratic leadership wanted us to hold this in committee so that we could compare this bill with every other workers' comp bill, they certainly could have made that signal to their membership. Instead, we put the bill out because we felt that we were ready to deal with it today. We are ready to deal with it today and I do hope that you will have the courage to help the people of Maine.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I suppose many of you think I should rise here today and try to be partisan in our approach to dealing with the workers' compensation problem in the state of Maine; perhaps I will be, but I would hasten to add, perhaps a little bit more than some would like, that the workers' compensation problem is not necessarily the blessings or the idea of one particular party. The Republican party has controlled the other branch of this government for a number of years now, save during the mid 60's, so I don't think that one could say that the Republican party is without fault in some of the situations that we are facing now.

I say that initially only because I don't want Democrats to feel that Republicans think necessarily that they are holier than thou on this issue. But I would also hasten to add that it has been the Republican party in the last few years that has been saying to the people of the State of Maine, enough is enough on this particular issue. Yet, I would also say that the Republican party in no way, at least as far as I am aware of, is trying to hurt jobs in the State of Maine.

We all know the key to having jobs in the state of Maine is to have industry in the State of Maine, and as long as this House and members of the Legislature continue to dodge the issue of workers' compensation in the State of Maine, the idea of attracting additional industry into this state is farfetched.

I am also sorry to hear that apparently the Democratic party feels that somehow they have to stand up and make a partisan issue out of this vote here today, that they are not going to allow members of this body, that happen to be Democrats, to vote their conscience on how they feel the issue should be addressed — that is losing face. That is not addressing the issue head on and it is not going to solve our problems. There is one issue and one issue alone, and that is the high cost of workers' compensation to the industries, big and small, in the State of Maine.

We all have Mom and Pop stores, we all have small industry in our towns, and the one overriding concern is workers' compensation costs.

a 25 percent increase this year alone. Small industry can't stand that, big industry can't stand it.

We spend hundreds of thousands of dollars every year to attract industry into this state through the MGA, and every year they come and ask for more money for industrial development and we all give them added money and think that is great and go home and tell everybody how much we have done for industry and attracting new industry to the State of Maine. Yet, this one issue we have not wanted to address. It has become partisan and it shouldn't.

I applaud the gentlelady that it should be a non-partisan issue, but if it is, then let's vote that way today and let's not set bills aside and fill up an unassigned calendar with issues that somehow along the way may not be able to be separated from partisan debate later on.

The one and only crisis here today is going to be our lack of addressing this issue. The working community wants us to address that issue and if you haven't gotten that feeling yet from the folks back home, you haven't been opening your mail. It is a crisis and it is not a businessman's crisis, I speak from experience, I happen to own a small business and I know what the rates are doing to me, and I think the same thing is happening to every other small business out there; in fact, I know it.

But it is not a help the businessman bill, it is help the consumer, if you will, help the public. I don't just take money out of my pocket and pay the workers' compensation, somebody else pays it. I don't like it, the consumer doesn't like it, but that is the way it is. Jobs in the State of Maine are going to come some darn hard as long as we continue to fail to address the issue.

I am sorry that that position is being taken today. I had hoped that we would have a good forthright discussion on workers' compensation, that people would feel free to vote as they saw fit and that perhaps there would be some indication, I guess, to the business community out there and to the working people out there, who are going to lose their jobs as long as these high rates continue, that this House, for once, wants to take some affirmative action, they want to move ahead and they want to address the issue.

I know that I haven't convinced anybody here today but I have spoken my piece, and maybe I have. I hope so, but I feel so strongly about this issue and I think that anybody who has been at a workers' compensation or Labor Committee hearing knows the feeling of the people out there and I think it is a sham not to address it.

The SPEAKER: The Chair recognizes the gentlewoman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: This is day 62 and I have been on the Labor Committee from day one. This is the number one bill, number one.

The Blaine House Conference on Small Business made no recommendation to the amount of the maximum adjustment, but they will be horrified to know that a 10 percent cap, a 10 percent cap, ladies and gentlemen, will enable the cost of the system to soar; in other words, an increase in the cost of workmen's compensation.

A vote of 5 percent cap will decrease the cost to the system 8 percent. Thank God I have had an opportunity to go with the 5 percent. The Senate has gone with the 5 percent cap.

This bill, in the beginning, had bipartisan sponsors; I hope they are still there. I see no bills in front of the Labor Committee more important to workmen's compensation relief than this one.

When you go home today, don't fool anyone but yourself, if you vote for a 10 percent cap, that is an increase. If you vote for a 5 percent cap, it is a decrease by 8 percent. The choice is truly yours, and the people of Maine will know from whence it came.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to get into the partisan area at all, I want to talk about something entirely different. We have before us in this legislature a bill which is going to try to disclose the reserves that the companies are using. The rates that are going to be set depend a lot on those reserves and I don't want to see the companies with a large cap so they can hide themselves behind this in order to set up large reserves. Therefore, I would suggest that you go with the 5 percent.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: During the last 10 years, the price of gasoline which we hear so much about has inflated by 450 percent. During the last 10 years, the price of workers' compensation in Maine has gone up by 800 percent. Let me repeat that, the cost of workers' compensation in Maine in the last 10 years has gone up 800 percent.

I would like to draw your attention to an editorial that appeared a short time ago in the Bangor Daily News, and I quote: "The latest survey, commissioned by the Conference of State Manufacturers Association is disappointing in this regard showing Maine falling nine positions from last year in the attractiveness of its business climate relative to the other 47 contiguous states." In the brief analysis provided for the state showing the most dramatic upward or downward movement, the author said of Maine, "Maine moved down 24 places for workers' compensation insurance rates. It did not move up significantly for any major factor."

I would like to talk with you a minute if I can — some of you may have forgotten the bipartisan nature of the Blaine House Conference on Small Business. Those who followed my activities at all may remember that I was quite critical of that Blaine House Conference on Small Business as not being very conservative in its approach to problems. Many of you were there; I was there.

The participants in the Blaine House Conference on Small Business were Democrats, they were Independents and they were Republicans. Frankly, I was disappointed in the conference that I went to to find more Democrats there than there were Republicans. I would like to read you their recommendations with respect to this one narrow issue.

It says: "We, therefore, ask the Governor, his administrators, the Workers' Compensation Commission and the Legislature to recommend a cap on inflation adjustments, simply because when it is coupled with an unlimited payment period, it creates a completely unpredictable loss potential."

Let me read you the title in the Statement of Fact on the Bill. It is "An Act to Place a Maximum Limit on the Inflation Adjustment Under the Workers' Compensation Act," and the Statement of Fact said, "This Bill incorporates one of the recommendations of the Blaine House Conference on Small Business. Its purpose is to provide employers with some relief from the presently staggering workers' compensation costs by placing a maximum percentage limit on annual benefit adjustments." So, I think it is clear that the plea to the legislature was a bipartisan plea.

Now, let's see who the authors of this L. D. are. It is a bipartisan bill. Its sponsors are: Senator Brown, Democrat of the other body; Representative Soule, Democrat of this body; Representative Tarbell, Republican of this body; it is a bipartisan bill and I can assure you, as one member of the Labor Committee, that it had a bipartisan hearing. I can assure you that in the Labor Committee, this one member certainly isn't approaching things in a narrow, partisan way.

I am sure that Representative Brenerman will tell you that I was very supportive of his

bill which had to do with correcting an inequity that came down on the side of employees. Representative Hayden will assure you that I am a cosponsor with him on a bill to try to take care of the injustice of too quick a collection of overpayments of unemployment.

I am in kind of an awkward position as only one of three people who are pushing for this bill on the committee. Leadership hasn't taken me into their confidence, frankly, on either side of the aisle as to an omnibus approach to this problem. There are only 38 days left, I don't want to approach the thing on a piecemeal basis. Do we approach things in the legislature in an omnibus way? If so, why do we refer them to committee? Why don't we do everything that way?

It seems to me that we had a good hearing with the public, certainly the public was there. We debated the bill in committee and here we are on the floor of this House, and I am willing to stand here and debate it until twelve o'clock at night if that is a constructive thing to do. Why can't we consider this on its merits? I am willing to look at things on an omnibus basis, too. It seems to me that we are dodging the real issue of coming to grips with the question as to whether we should cap benefits or not.

I am something of a legislative masochist, I am used to self-punishment and to defeat. One of the other party members who spoke in a recent publication saying, we ought to go in and stand those guys on their heads once a week, anyway. I have no objection to that, stand me on my head, but for crying out loud, please don't stand the people of Maine on their heads.

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. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought to Pass" Report in non-concurrence. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Brown, A., Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Dudley, Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H. C.; Hobbs, Jacques, Jalburt, Joyce, Kane, Kany, Kelleher, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, A.; Martin, H. C.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Strout, Swazey, Theriault, Thompson, Tuttle, Twitcheil, Webster, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

ABSENT—Carter, Ketover, Manning, Vose. Yes, 82; No, 65; Absent, 4.

The SPEAKER: Eighty-two having voted in the affirmative and sixty-five in the negative with four being absent, the Majority "Ought to Pass" Report was accepted in non-concurrence and the Bill read once.

Committee Amendment "A" (S-70) was read and adopted and the Bill assigned for Second Reading, Monday, April 6th.

#### Non-Concurrent Matter

Bill "An Act to Amend the Purposes for Special Marine Resources Licenses to Include Educational Institutions" (H. P. 799) (L. D. 953) which was passed to be engrossed as amended by Committee Amendment "A" (H-138) in the House on March 30, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-138) and Senate Amendment "A" (S-89) in non-concurrence.

In the House: On motion of Mr. Fowlie of Rockland, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act to Update and Revise the Validation of Defects Act" (H. P. 876) (L. D. 1045) which was passed to be engrossed in the House on March 31, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-90) in non-concurrence.

In the House: The House voted to recede and concur.

#### Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Abolish the Office of Secretary of State and to Create the Office of Lieutenant Governor" (H. P. 436) (L. D. 483) on which the Majority "Ought to Pass" Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed in the House on April 1, 1981.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. McGowan of Pittsfield, the House voted to recede and concur.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act Concerning the Use of Force to Protect Property" (H. P. 143) (L. D. 169) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-145) Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-145) in the House on April 1, 1981.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Judiciary read and accepted in non-concurrence.

In the House:

Mr. Hobbins of Saco moved that the House recede and concur.

Mr. McKean of Limestone moved that the House recede.

On motion of the same gentleman, tabled pending his motion to recede and specially assigned for Monday, April 6.

#### Petitions, Bills and Resolves Requiring Reference

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

#### Fisheries and Wildlife

Bill "An Act to Prohibit the Importing of Certain Species of Live Fish and to Establish Penalties for such Importation" (H. P. 1310) (Presented by Representative MacEachern of Lincoln) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24)

(Ordered Printed)  
Sent up for concurrence.

#### Orders

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative J. P. Normand LaPlante of Sabattus be excused April 7, 8, 9 and 10 for Legislative Business.

#### Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment)

Recognizing:

Herbert Merrill, of Brunswick, recipient of the Jefferson Award and an inspiring friend to the handicapped; (H. P. 1311) by Representative Livesay of Brunswick. (Cosponsors: Representative Martin of Brunswick and Senator Clark of Cumberland)

No objections being noted, this item was considered passed and sent up for concurrence.

Helen K. Atchison, of Houlton, an outstanding leader in library services, on the eve of her marriage; (H. P. 1312) by Representative Ingraham of Houlton.

On the objection of Mrs. Ingraham of Houlton, was removed from the Special Sentiment Calendar.

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker and Members of the House: I would like to honor today a dear friend of mine, Helen K. Atchison. She came to Houlton in 1949 and served until 1955 as assistant librarian at the Cary Memorial Library in Houlton. In 1955, until March 17, 1981, she served as librarian. In 1961-62, she was President of the Maine Library Association; in 1973, appointed to a three-year term and an original member of the Maine Library Commission, appointed by Governor Curtis. In 1976, she was reappointed by Governor Longley to a five-year term on the Maine Library Commission. The commission gives advice and makes recommendations on the state library program.

Helen represented the library service to the handicapped. In 1979, she served as chairman of a very successful legislative workshop for librarians. She is credited by her colleagues with the best overall perspective of statewide librarian service and has been an important link between small and large libraries.

Helen K. Atchison will become Mrs. Gordon Hopkins tomorrow and will be moving to New York. Houlton and the state will lose a highly respected lady, an outstanding citizen and a dear friend.

I appreciate your support in honoring her today.

Thereupon, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Hon. Frank Peltier, upon his retirement after serving 18 years as president of Lumberman's Museum in Patten; (H. P. 1313) by Representative Ingraham of Houlton (Cosponsors: Representative Smith of Mars Hill and McPherson of Eliot)

Joanne Palombo, member of the Brunswick High School basketball team, who has been named to the Kennebec Valley Athletic Conference all-star squad; (S. P. 548)

Caribou High School Marching Band, which has been selected to participate in the 1981 Cherry Blossom Festival Parade in Washington, D.C.; (S. P. 549)

Jill Stanton, member of the Brunswick High School basketball team, who has been named to the Kennebec Valley Athletic Conference all-star squad; (S. P. 546)

Debbie Shaw, member of the Brunswick

High School basketball team, who has been named to the Kennebec Valley Athletic Conference all-star squad; (S. P. 547)

Brent Poulin of Troop 648, St. John's School in Brunswick, who has attained the highest honor in scouting, the Eagle Scout Badge; (S. P. 545)

Kristen Boynton, a 4th grader at Yarmouth Intermediate School, 8th place winner in the Statewide Poster Contest sponsored by the Office of Energy Resources; (S. P. 544)

In Memory of:

The Honorable Earle R. Hayes, of Windsor, former state employee and a member of the 105th Legislature; (H. P. 1314) by Representative Mitchell of Vassalboro.

There being no objection, these items were passed or adopted in concurrence or sent up for concurrence.

#### House Reports of Committees Ought Not to Pass

Representative McGowan from the Committee on Public Utilities on Bill, "An Act to Amend the Contingency Reserve Fund for Municipal Water Districts" (H. P. 434) (L. D. 481) reporting "Ought Not to Pass"

Representative Bordeaux from the Committee on Public Utilities on Bill, "An Act to Provide Equitable Treatment for Elderly Maine Residents Served by New Hampshire Electric Utilities" (H. P. 188) (L. D. 201) reporting "Ought Not to Pass"

Representative Austin from the Committee on Energy and Natural Resources on Bill, "An Act to Reduce the Set Back Requirement from 75 Feet to 50 Feet on Principal Structures in the Resource Protection and Limited Residential Districts" (H. P. 658) (L. D. 761) reporting "Ought Not to Pass"

Representative Benoit from the Committee on Election Laws on Bill, "An Act to Prohibit Petition Drives at the Polls on Election Day" (H. P. 738) (L. D. 876) reporting "Ought Not to Pass"

Representative Benoit from the Committee on Election Laws on Bill, "An Act to Permit Straight Party Ticket Balloting" (H. P. 705) (L. D. 830) reporting "Ought Not to Pass"

Representative Benoit from the Committee on Election Laws on Bill, "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day" (H. P. 395) (L. D. 438) reporting "Ought Not to Pass"

Representative Twitchell from the Committee on Taxation on Bill, "An Act to Shorten the Holding Period for Abandoned Property, Advance the Due Date for Inheritance Taxes and Revise Business Income Taxes" (Emergency) (H. P. 1043) (L. D. 1262) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

#### Leave to Withdraw

Representative Mitchell from the Committee on Energy and Natural Resources on Bill, "An Act to Remove the Provision Exempting Certain Areas of the State from the Air Quality Laws" (H. P. 739) (L. D. 877) reporting "Leave to Withdraw"

Representative Cunningham from the Committee on Public Utilities on Bill, "An Act Extending the Distance Requirement on Connection of Private Sewers" (H. P. 330) (L. D. 370) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Consent Calendar First Day

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

(H. P. 596) (L. D. 673) Bill, "An Act to Include Energy and Economic Considerations in Assessing Proposals before the Land Use Re-

gulation Commission, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife and to Provide for Energy and Economic Review of Certain State Standards" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-166)

(H. P. 385) (L. D. 428) Bill, "An Act to Increase the Surplus Account of the Kennebec Sanitary Treatment District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-167)

(H. P. 622) (L. D. 705) Bill, "An Act to Amend the Law to Provide a Lien for Sewer Rates for the Houlton Water Company" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-168)

(H. P. 845) (L. D. 1011) Bill "An Act to Implement Certain Cost Savings while the State's Unemployment Compensation Fund Remains in Debt" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-169)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 6, under listing of Second Day.

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

#### Consent Calendar

##### First Day

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

(S. P. 343) (L. D. 987) Bill "An Act to Require Disclosure of Reserves by Workers' Compensation Insurers" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-85)

No objections being noted, the above item was ordered to appear on the Consent Calendar of April 6, under listing of Second Day.

#### Consent Calendar

##### Second Day

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

(S. P. 300) (L. D. 844) Bill "An Act Concerning Health Insurance Plans under the State Retirement System" (C. "A" S-82)

No objections being noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed as amended in concurrence.

(H. P. 266) (L. D. 329) Bill "An Act to Exempt Guide Dogs from Registration Fee Requirements During the Raising Period in Foster Homes" (C. "A" H-163)

On the objection of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-163) was read by the Clerk.

Mr. McHenry of Madawaska offered House Amendment "A" to Committee Amendment "A" (H-173) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was assigned for second reading on Monday, April 6.

(H. P. 944) (L. D. 1120) Bill "An Act to Establish a Maine Guarantee Authority Reserve Fund" (Emergency) (C. "A" H-162)

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

(H. P. 345) (L. D. 393) Bill "An Act to Make

Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency)

On the objection of Mr. Tarbell of Bangor, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading on Monday, April 6.

(H. P. 632) (L. D. 713) Bill "An Act Relating to the Licensing of Hearing Aid Dealers and Fitters" (C. "A" H-164)

(H. P. 540) (L. D. 618) Bill "An Act to Permit the Town of Orono to Withdraw from the Group Life Insurance Plan under the Maine State Retirement System" (Emergency) (C. "A" H-165)

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.

#### Second Reader

##### Tabled and Assigned

Resolve, Authorizing Jeanette Hodgdon, Administratrix of the Estate of Kenneth R. Hodgdon, to Maintain a Civil Action Against the State of Maine (S. P. 227) (L. D. 614)

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

On motion of Mr. Cox of Brewer, tabled pending passage to be engrossed and specially assigned for Monday, April 6.

#### Passed to Be Engrossed

##### Amended Bill

Bill "An Act to Regulate Interest Rates on Life Insurance Policy Loans" (S. P. 153) (L. D. 361) (C. "B" S-81)

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

#### Passed to Be Enacted

##### Emergency Measure

An Act to Permit the Employees of the Franklin County Community Action Council to Withdraw from the Maine State Retirement System (H. P. 213) (L. D. 251) (C. "A" H-127)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Provide Collective Bargaining Rights to County Employees (S. P. 145) (L. D. 316) (C. "A" S-66)

An Act to Exempt Certain Island Motor Vehicles from Inspection Requirements (S. P. 309) (L. D. 865)

An Act to Ease the Enforcement of Judgments (H. P. 458) (L. D. 504) (C. "A" H-129)

An Act to Impose Reasonable Interest Charges on Judgment Debtors (H. P. 763) (L. D. 900) (C. "A" H-130)

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 Permit Knox County to Withdraw from the Maine State Retirement System" (H. P. 487) (L. D. 539) (C. "A" H-128)

Tabled—April 1 by Representative Nelson of Portland.

Pending—Passage to be Engrossed.

On motion of Mrs. Nelson of Portland, retabled pending passage to be engrossed and specially assigned for Tuesday, April 7.

#### (Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Adjourned until Monday, April 6, at ten o'clock in the morning.