

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 1, 1982 to May 13, 1983**

**HOUSE**

Monday, March 21, 1983

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

Prayer by Reverend Nathan Garnett of the South Liberty Baptist Church.

The members stood at attention during the playing of the National Anthem by the Maine Maritime Academy Band and Chorus, Castine.

The journal of the previous session was read and approved.

**Papers from the Senate**

Bill "An Act to Revise the Wood Measurement Law" (S. P. 390) (L. D. 1190)

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

In the House, was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Enact a Program of Assistance to the Severely Physically Disabled to Enable them to Work" (Emergency) (S. P. 391) (L. D. 1191)

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

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Increase the Compensation for Substitute Teachers" (S. P. 392) (L. D. 1192)

Bill "An Act to Change the Name of the University of Maine at Orono to the University of Maine and the University of Maine to the University of Maine System" (S. P. 393) (L. D. 1193)

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

In the House, were referred to the Committee on Education in concurrence.

Bill "An Act to Revise the Statutes relating to Radiation Control" (S. P. 395) (L. D. 1195)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Establish and Provide Reimbursement for a Hospice Care Program" (S. P. 394) (L. D. 1194)

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.

**Reports of Committees****Unanimous Leave to Withdraw**

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act Relating to a Public Service Cadet Corps" (S. P. 245) (L. D. 766)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Ought to Pass as Amended**

Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-26) on Bill "An Act to Conform Maine Garnishment Laws to the United States Code, Title 15, Section 1673, the Federal Consumer Credit Protection Act" (S. P. 110) (L. D. 262)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-26) and Senate Amendment "A" (S-32).

Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-26) read and adopted. Sen-

ate Amendment "A" (S-32) read and adopted in concurrence and the Bill assigned for second reading, Tuesday, March 22.

**Divided Report****Later Today Assigned**

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act Relating to Payment by an Employer when a Physician's Certification of Illness is Required" (S. P. 240) (L. D. 682)

Report was signed by the following members:

Signed:

Senators:

DUTREMBLE of York

HAYES of Penobscot

— of the Senate.

Signed:

Representatives:

BEAULIEU of Portland

GAUVREAU of Lewiston

TAMMARO of Baileyville

NORTON of Biddeford

TUTTLE of Sanford

SWAZEY of Bucksport

— of the House.

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

Report was signed by the following members:

Senator:

SEWALL of Lincoln

— of the Senate.

Representatives:

BONNEY of Falmouth

WILLEY of Hampden

ZIRNKILTON of Mount Desert

LEWIS of Auburn

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-31)

In the House: Reports were read.

Mrs. Beaulieu of Portland moved that the Majority "Ought to Pass" Report be accepted in concurrence.

On motion of the same gentlewoman, tabled pending her motion to accept the Majority Report in concurrence and later today assigned.

**Non-Concurrent Matter**

Bill "An Act to Amend and Supplement Certain Powers of Hospital Administrative District No. 1" (H. P. 898) (L. D. 1150) which was passed to be engrossed in the House on March 15, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-30) in non-concurrence.

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

**Messages and Documents**

The following Communication: (H. P. 464)  
March 17, 1983

Hon. Edwin H. Pert

Clerk of the House

Hon. Joy J. O'Brien

Secretary of the Senate

State House

Augusta, Maine 04333

Dear Clerk Pert and Secretary O'Brien:

Pursuant to Joint Order, H. P. 663, we are today appointing the following members to the Joint Select Committee on Job Training:

Sen. Larry Brown, Senate Chairman

Sen. Frank Wood

Sen. James McBairty

Rep. Stephanie Locke, House Chairman

Rep. Dan Gwadosky

Rep. Raynold Theriault

Rep. Gary Cooper

Rep. Ralph Willey

Rep. Guy Scarpino

Sincerely,

S/JOHN L. MARTIN

Speaker of the House  
S/GERARD P. CONLEY  
President of the Senate

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

**Petitions, Bills and Resolves  
Requiring Reference**

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

**Agriculture**

Bill "An Act Related to the Labeling of Milk Containers" (H. P. 972) (Presented by Representative Carroll of Limerick)  
(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act Relating to Claims to Real Property" (H. P. 973) (Presented by Representative Rolde of York)  
(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Apply Mirror Reciprocity Against Jurisdictions that Assess 3rd Structure Motor Vehicle Taxes" (Emergency) (H. P. 974) (Presented by Representative Ketover of Portland) (Cosponsors: Representatives Moholland of Princeton, Theriault of Fort Kent, and Senator Diamond of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)  
(Ordered Printed)

Sent up for concurrence.

**House Reports of Committees****Unanimous Leave to Withdraw**

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide State Assistance for Municipalities with Excessive Refuse Disposal Costs" (H. P. 533) (L. D. 686) reporting "Leave to Withdraw"

Representative Bott from the Committee on Education on Bill "An Act Concerning Calvary Hill Christian School of Wilton, Maine" (H. P. 667) (L. D. 850) reporting "Leave to Withdraw"

Representative Swazey from the Committee on Labor on Bill "An Act to Modify the Dispute Resolution Process under the Labor Statutes" (H. P. 734) (L. D. 943) reporting "Leave to Withdraw"

Representative Cote from the Committee on Legal Affairs on Bill "An Act Relating to the Storage of Malt Beverages under the Liquor Law" (H. P. 703) (L. D. 892) reporting "Leave to Withdraw"

Representative Mitchell from the Committee on Marine Resources on Bill "An Act to Designate the Atlantic Salmon as a Game Fish" (H. P. 446) (L. D. 539) reporting "Leave to Withdraw"

Representative Cooper from the Committee on State Government on Bill "An Act Relating to Recoupment of Moneys Expended in the State Weatherization Program and the Establishment of a Permanent Revolving State Weatherization Fund" (H. P. 492) (L. D. 589) reporting "Leave to Withdraw"

Representative Lebowitz from the Committee on State Government on Bill "An Act to Provide Home Energy Assistance Benefits to Eligible Tenants in Subsidized Housing" (H. P. 509) (L. D. 607) reporting "Leave to Withdraw"

Representative Holloway from the Committee on State Government on Bill "An Act Concerning Travel Expenses for Legislators" (H. P. 806) (L. D. 1046) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

**Consent Calendar  
Second Day**

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

(S. P. 126) (L. D. 313) Bill "An Act Concerning Persons Who Assist in Mitigating the Effects of Discharge of Hazardous Materials"

(S. P. 149) (L. D. 440) Bill "An Act to Enable Administrative Court Judges to Sit in Superior Court"

(S. P. 236) (L. D. 678) Bill "An Act Concerning Appeals by the State in Criminal Cases"

(S. P. 164) (L. D. 519) Bill "An Act to Clarify the Definition of Chiropractic" (C. "A" S-25)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed or passed to be engrossed as amended in concurrence.

#### Second Reader Later Today Assigned

Bill "An Act to License the Harvest of Seaweeds" (S. P. 388) (L. D. 1171)

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

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, I am preparing an amendment to this and would appreciate it if someone would table it until later in today's session.

Whereupon, on motion of Mr. Brown of Livermore Falls, tabled pending passage to be engrossed and later today assigned.

#### Passed to Be Engrossed Amended Bills

Bill "An Act to Require the Department of Labor to Make Available to All Claimants for Unemployment Insurance the Complete Set of All Department of Labor Rules and Policies Governing the Determinations of Eligibility and Payment of Benefits" (S. P. 387) (L. D. 1170) (S. "A" S-27)

Bill "An Act to Provide for Leaves of Absence for Employees Elected to the Legislature, Excluding Employees Covered under Provisions Dealing with Teachers" (H. P. 349) (L. D. 597) (C. "A" H-71)

Were 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 and the House Paper was passed to be engrossed as amended and sent up for concurrence.

#### Passed to Be Enacted Emergency Measure

An Act to Clarify Filing Fee Requirements for Public Utilities Commission Approval of Electric Utilities' Purchase of Electric Power and Conversions (H. P. 887) (L. D. 1122)

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. 128 voted in favor of same and one 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 Amend the Provisions of the Medical Eye Care Program (S. P. 376) (L. D. 1123)

An Act to Amend the Banking Code Regarding the Trust Powers of Thrift Institutions (S. P. 105) (L. D. 237) (H. "A" H-60 to C. "B" S-17)

An Act to Amend the Charter of the Augusta Sanitary District (H. P. 256) (L. D. 306) (C. "A" H-56)

An Act Relating to the Industrial Waste Pre-treatment Program of the Kennebec Sanitary Treatment District (H. P. 347) (L. D. 406) (C. "A" H-57)

An Act Relating to General Health Insurance Benefits for Injured Maine Workers and Their Families (H. P. 896) (L. D. 1148)

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.

#### Finally Passed

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H. P. 430) (L. D. 512) (C. "A" H-55)

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

#### (Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Recessed until the sound of the gong.

#### After Recess 10:15 a.m.

The House was called to order by the Speaker.

#### Orders of the Day

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

SENATE DIVIDED REPORT—Majority (8) "Ought to Pass"—Minority (4) "Ought Not to Pass"—Committee on Judiciary on Bill "An Act Raising the Limit on Speeding Violations which can be Processed by the District Court Traffic Violations Bureau" (S. P. 151) (L. D. 442)

Tabled—March 18, 1983 by Representative Diamond of Bangor.

Pending—Motion of Representative Joyce of Portland to accept the Majority "Ought to Pass" Report.

Thereupon, on motion of Mr. Joyce of Portland, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

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

HOUSE REPORT—"Refer to the Committee on Taxation"—Committee on Legal Affairs on Bill "An Act to Amend the Charter of St. Mark's Home in Augusta" (H. P. 486) (L. D. 583)

Tabled—March 18, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report. Under suspension of the rules, the Report was accepted, the Bill referred to the Committee on Taxation and sent up for concurrence.

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

Bill "An Act Relating to Attorneys Searching and Certifying Title to Real Estate" (H. P. 969) (L. D. 1225)

Tabled—March 18, 1983 by Representative Racine of Biddeford.

Pending—Passage to be Engrossed. On motion of Mr. Racine of Biddeford, retabled pending passage to be engrossed and specially assigned for Wednesday, March 23.

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

An Act to Adjust the Service Fee and Allocations of the Low-Level Waste Siting Fund, and to Adjust the Membership of the Low-Level Waste Siting Commission (Emergency) (H. P. 568) (L. D. 663) (H. "A" H-48 and S. "B" S-22 to C. "A" H-41)

Tabled—March 18, 1983 by Representative Hall of Sangerville.

Pending—Passage to be Enacted. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to some of you what this bill is about. First of all, I hadn't been on the Low-Level Waste Commission but a very short time when I began to realize that there was far more of a problem in what we are going to do with this than met the

eye of the people then.

We are charged by the federal government to have a home by 1986 for all of the low-level and high-level waste in the state. Now, that may not necessarily be contained within the state, it could be within a compact, and that would be with some of the states like New York, New Hampshire, Connecticut, some of the larger users, and Pennsylvania. We thought we were pretty well along the way in February but the deal fell through the cracks because, you have got to remember, we only manufacture about 3 percent of the hazardous waste and some of the states manufacture up to 40 or 50 percent and they are calling the shots.

We are fortunate to have on this commission and Commissioner Warren, who has done a good job protecting the state and what we would like to have for our rules and regulations.

There is only one site left on the Atlantic Seaboard, and that is in South Carolina, and that is pretty near full. There is only about two years left before that is going to be full. So what has happened, you are seeing the Yankee Nuclear Plant and other places store it to hold it because they don't want that much more in South Carolina. When they do that, it makes it a lot less amount of money we are going to have to work on this commission.

To give you a for instance on how much it is costing, when I and two of the other boys went to New York, it cost us a thousand dollars just for that one trip, and I didn't put in what I should have in that bill. A box of band-aids to heal the blisters on one of my feet because of the new shoes I didn't put in.

Anyway, this is one of the problems we are having. I know it looks like a lot of money going from one dollar to ten dollars, but who knows how much this is going to be. There is a sunset attached to the bill so that you aren't going to spend the money unless they need it, so I hope you will go along with the bill.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker and Members of the House: I think I should clarify this a little bit more, if I may.

The federal government requires that the individual states provide for their low-level waste disposal and have a plan by 1986. This can be done either as an individual state or in conjunction with a compact.

When the State of Maine entered into a discussion on a compact, which would be the better way to go, there were expected to be possibly only the New England States. This compact area has grown substantially and as a result the negotiations and discussions and the work involved in deciding how we would go has grown substantially.

When the original bill was passed through a normal process here two years ago that set up a funding mechanism for studying low-level waste, we put a one dollar fee on every cubic foot that was generated and shipped out of the State of Maine, and this was done through the Energy and Natural Resources Committee in the normal process. Since that time, the disposal site down at Barnwell increased their rates substantially. As a result, the generators saw fit to install compactors to reduce the volume of the waste that they were shipping. This cut the amount of funds available to the commission substantially, more than half. At the same time, of course, that the available funds went down, the study was ongoing and they have incurred quite a substantial amount of debts that must be reimbursed; for example, the geologist that has done geology studies for the state, they must reimburse him so he can continue with his regular job. This accounts for some of the reasons for the increase in the cost.

When the original bill came before the Energy and Natural Resources Committee, it was quite an open-ended bill and if you have looked at Committee Amendment "A" you

would notice that we really screwed it down pretty tight. We put a sunset on it so this commission is not an ongoing, forever-type thing, in the first place, so it sunsets December 31, 1985, in paragraph 2.

In Section 3, we required that this commission report annually to the legislature, through the Energy and Natural Resources Committee, all of the income that they receive, all of the expenditures that they make, and give us a proposed budget for the following year. This is put down very tightly. I would like to quickly run over what they are going to be required to make public to the whole wide world through the committee method.

The report shall include total fees received from each generator and line item detail on the expenditures, including in-state travel, out-of-state travel, printing, mailing, hearings, personnel, consultant services, general operating expenses, supplies and overhead for both the commission and the department. So this was practically a new bill that came out of the Energy and Natural Resources Committee. I thought we put some very tight controls on it. I don't foresee any unwise expenditures because it is going to be so widely exposed to the legislature and to the general public when they report this. It will be a hearing-type thing and available to the whole wide world.

Because we are required to do this, if we don't fund this commission, then I see no alternative but what it would have to come out of the executive's contingency fund because it must be done, it is a mandated thing that we must do, we must start disposing of our own low-level waste or know how we are going to do it before 1986. So I hope you will pass this and get it on its way.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Jalbert, Joseph, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Locke, MacBride, MaEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Racine, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Rondini, Small, Smith, C.B.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tamaro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, The Speaker.

NAY—Armstrong, Bell, Brown, K.L.; Connors, Dudley, Jackson, Livesay, Parent, Salsbury, Scarpino, Seavey, Smith, C.W.; Zirkilton.

ABSENT—Cox, Joyce, Kane, LaPlante, Mahany, Maybury, Randall, Sherburne, Soule, Studley.

Yes, 128; No, 13; Absent, 10.

The SPEAKER: One hundred twenty-eight having voted in the affirmative and thirteen in the negative, with ten being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

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

SENATE REPORT—"Refer to the Committee on Labor" Committee on Local and County Government on Bill "An Act to Prohibit Residency Requirements for Municipal Employees" (S. P. 61) (L. D. 167)

Tabled—March 18, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.

Under suspension of the rules, the Report was accepted and the Bill referred to the Committee on Labor in concurrence.

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

HOUSE REPORT—"Refer to the Committee on Health and Institutional Services" Committee on Appropriations and Financial Affairs on Bill "An Act to Establish Funding for Program of Preventive Intervention and Family Support" (H. P. 532) (L. D. 685)

Tabled—March 18, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.

Under suspension of the rules, the Report was accepted, the Bill referred to the Committee on Health and Institutional Services and sent up for concurrence.

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

SENATE REPORT—"Refer to the Committee on Business Legislation" Committee on Legal Affairs on Bill "An Act to Provide for the Use of Major Credit Cards at Selected State Liquor Stores" (S. P. 160) (L. D. 448)

Tabled—March 18, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.

Under suspension of the rules, the Report was accepted and the Bill referred to the Committee on Business Legislation in concurrence.

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

Bill "An Act to Permit Arrests for Drinking Alcoholic Beverages in a Stationary Motor Vehicle" (H. P. 967)

Tabled—March 18, 1983 by Representative Cox of Brewer.

Pending—Motion of Representative Carroll of Limerick to Refer to Committee on Judiciary.

Thereupon, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

The following Communication:  
Office Of The Governor  
Augusta, Maine 04333  
March 19, 1983

To the Honorable Members of the 111th Legislature:

I am returning without my signature or approval L. D. 180, An Act To Amend the Banking Code Regarding Minimum Amount Entitled to Interests.

I cannot in good conscience subscribe to an Act which would deprive Maine savers of the interest they have rightfully earned on their bank accounts.

I cannot support a bill which would target for penalty those with the smallest savings, and most modest financial circumstances.

Nor do I believe it would be a sound policy to discourage the opening of savings accounts by those just starting out, and those who can only afford to set aside a small amount.

Were this bill to become law, an individual who could only put aside five dollars a week would have to wait for a full 20 weeks before the fruits of his or her efforts could begin to be realized.

I do not think this is fair or consistent with our society's goal of encouraging savings.

If there is any cost to this policy, which is not covered by the existing \$25 minimum balance requirement, or the service fees the banks charge, then I am certain the banks are in a far better position to bear that burden than are our smallest savers.

So, to ensure the rights of our least affluent savers, and to encourage and reward the practice of saving among our citizens, I respectfully request your support to sustain my veto of L. D. 180.

Sincerely,  
JOSEPH E. BRENNAN  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall this Bill, "An Act to Amend the Banking Code Regarding Minimum Amount Entitled to Interest" (H. P. 155) (L. D. 180) (C. "A" H-25) become law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: The Business Legislation Committee heard this bill quite some time ago, L. D. 180. This applies to savings banks, state chartered savings banks, and we have a floor now of \$25; under \$25 the savings bank has the option of giving or not giving interest; over \$25 they must give interest.

The bill originally wanted us to open it completely, giving them total decisions as to what amount, at what level, at what floor they would pay interest. It was the superintendent of banking's suggestion that we at least put a floor of \$100 and the committee, some reluctantly, even though it was a unanimous committee report there were some members who went along only to make it a unanimous committee report because of the same objections that the Governor has given in his message. We decided to raise that floor from \$25 to \$100.

It was also part of our effort to give parity between savings banks and commercial banks.

Those are the reasonings of the committee in raising that floor. Certainly it does penalize the smallest saver and certainly the Governor's scrutiny of the bill and his decisions parallel some of the fears and concerns some of the members of the committee had; however, it was our judgment to go up to \$100.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker and Members of the House: I happen to have the dubious distinction of having this bill, which I was requested to put in. Of course, you people here in the legislature all voted for it, I presume, most of you did because it went through with a majority.

I think it is unfortunate that we have to penalize anybody but, on the other hand, when a business loses money by servicing something, I don't think it is up to us to tell them they have to lose money on that.

The \$25 was in there for the students who have the opportunity to put their money in, and any money over \$25 they would receive interest on.

I know it is going to be rather difficult to override with a two-thirds vote in this House, but you are voting against yourself, I presume, if you sustain the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I understand that the gentleman from Cumberland, Mr. Dillenback, stated this was his bill?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gen-

tlemen of the House: To answer Mr. Dillenback a little bit, if I voted for this bill, then I made a big mistake and I didn't know what I was doing. I hope that is the same excuse that the committee can use. I would like to think that my good friends on the Business Legislation Committee had a bad day.

This is just one more example of the banks coming in here, and this time it is a certain select group of banks, trying to take advantage of the little people in the State of Maine one more time. I, personally, am getting sick and tired of it, and I think the Governor has said everything that has to be said in his message. Just take a few minutes of your time and read it, and let's go along with the Governor's veto right now and help out the little people back home one more time.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I remember when the banks were very pleased to get a dollar a week from a working person or a child that was trying to go to college on the money that he was earning as a newspaper boy and so forth and so on, and I think they are getting to be a bunch of snobs.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Armstrong, Bott, Brown, K.L.; Callahan, Carroll, D.P.; Cashman, Davis, Day, Dillenback, Holloway, Masterton, Parent, Perkins, Pines, Randall, Salsbury, Walker, Weymouth, Zirkilton.

NAY—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Carrier, Carroll, G.A.; Carter Chonko, Clark, Conary, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Dexter, Diamond, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pouliot, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Scarpino, Seavey, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Webster, Wentworth, Willey, The Speaker.

ABSENT—Kane, Mahany, Maybury, Racine, Sherburne, Soule, Studley.

Yes, 19; No, 125; Absent, 7.

The SPEAKER: Nineteen having voted in the affirmative and one hundred twenty-five in the negative, with seven being absent, the Governor's veto is sustained.

Sent to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to License the Harvest of Seaweeds" (S. P. 388) (L. D. 1171) which was tabled and later today assigned pending passage to be engrossed in concurrence.

Mrs. Cahill of Woolwich offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-76) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: This L. D. addresses the seaweed bill that we talked about last Friday, and what my amendment does, it simply states in the Statement of Fact that it exempts certain holders of certain marine resources licenses the fees and then it requires an annual reporting of the seaweed harvesting procedure.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take too much of your time. We discussed this thoroughly the other day. This bill really does pretty much the same thing as what was trying to be done last week. It is very important that the State get a handle on the commercial use of this extremely important natural resource.

Please support the majority vote of the Marine Resources Committee.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McColister.

Mr. MCCOLLISTER: Mr. Speaker, I would like to pose a question through the Chair. The Statement of Fact says that it removes the fees. I believe they just said it included fees.

The SPEAKER: The gentleman from Canton, Mr. McColister, has posed a question through the Chair.

The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, if I said that, I said it wrong. It removes the fees, this amendment removes the fees.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move that we indefinitely postpone this amendment.

The SPEAKER: The gentleman from Stockton Springs, Mr. Crowley, moves the indefinite postponement of House Amendment "A".

The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to keep in mind that the Marine Resources Department said that they would get along very nicely without any fees on this and that they were more interested in having the permits so that they could keep track of the harvesting for this year and next. In two years we can probably put it onto our licenses, but for now the Department of Marine Resources is perfectly willing to go along with just a permit with no fees.

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 gentleman from Stockton Springs, Mr. Crowley, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dillenback, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.;

McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Lisnik, Livesay, MacBride, Masterton, Masterton, Matthews, K.L.; Mayo, McPherson, Murphy, Norton, Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Seavey, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Jalbert, Kane, Mahany, Maybury, Nelson, Sherburne, Soule, Studley

Yes, 83; No, 60; Absent, 8.

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

The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, I move indefinite postponement of L. D. 1171 and all its accompanying papers, and I would like to speak on my motion.

The SPEAKER: The gentlewoman from Wells, Mrs. Wentworth, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentlewoman may proceed.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I would like to oppose state licensing of seaweed collectors in any way, because many of our towns already issue permits to a small number of collectors who sell the seaweed to farmers and so forth. This gives the town control of the vehicles on their beaches.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: The Department of Marine Resources has requested that we put this in so they can get a handle on seaweed harvesting in the State of Maine.

The SPEAKER: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, I would like to pose a question to the gentleman from Stockton Springs, Mr. Crowley.

I would like to know, Mr. Crowley, where in this bill it requires any information to be gathered by the department?

The SPEAKER: The gentlewoman from Woolwich, Mrs. Cahill, has posed a question through the Chair to the gentleman from Stockton Springs, Mr. Crowley, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative Cahill's question, the department will put on the license a little permit form like they do on many other licenses so that the people can report back, the people that have licenses to harvest seaweed, so they can report back the amount of harvesting they have done and where they have done it. It is a very simple procedure and it will be just a small addition onto the permit form or license form that they will receive.

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

Mrs. WENTWORTH: Mr. Speaker, I think that the towns would be very glad to give any information on the permits they issue.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, in response to Mr. Crowley's statement about the voluntary form, the department said it would do it the

way it currently does it with all other licenses, and if that form is voluntary, it doesn't have to be filled out. If it is voluntary and it doesn't have to be filled out, there is no guarantee that the issuance of this permit is going to garner the information that the department requires. There is no statement on the bill that will require mandatory reporting. So, in fact, we could just end up with another governmental procedure with no response and result.

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

Mrs. WENTWORTH: Mr. Speaker, I would request 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 pending question is on the motion of the gentlewoman from Wells, Mrs. Wentworth, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Conners, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jalburt, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; McPherson, Murphy, Norton, Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Ridley, Roderick, Salisbury, Scarpino, Seavey, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadnosky, Hall, Handy, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Rondoni, Smith, C.B.; Soucy, Stevens, Strout, Swazey, Tammamo, Theriault, Thompson, Vose, The Speaker.

ABSENT—Hayden, Kane, Kilcoyne, Mahany, Maybury, Sherburne, Soule, Studley.

Yes, 62; No, 81 Absent, 8.

The SPEAKER: Sixty-two having voted in the affirmative and eighty-one in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed in concurrence.

The following Senate Paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

#### Tabled Unassigned

The following Joint Order: (S. P. 418)

Ordered, the House concurring, that Joint Rule 15 be amended to read:

#### 15. Reports of Bills from Committee.

1. The Joint Standing Committees shall report out every bill which has been referred to them before the end of the session in the manner prescribed herein.

2. The report of the committee shall include a recommendation of one of the following: Ought to Pass, Ought to Pass in New Draft, Ought to Pass as Amended, Ought Not to Pass, Unanimous Ought Not to Pass, Leave to With-

draw, Unanimous Leave to Withdraw, Referral to Another Committee.

3. An Ought to Pass report may be carried by a plurality of the Joint Standing Committee. When the vote is not unanimous, a minority report or reports are required.

4. **Ought to Pass in New Draft.** When a plurality of a Joint Standing Committee ~~moves~~ votes to report a bill out with extensive changes, the bill shall be reported out Ought to Pass in New Draft. When the vote is not unanimous, a minority report is required.

5. **Ought to Pass as Amended.** When the changes voted by the committee are ~~minor and not substantive~~ extensive the Director of Legislative Research with the approval of the ~~President of the Senate and the Speaker of the House~~ may shall prepare a committee amendment to the original bill and the committee report shall be Ought to Pass as Amended.

6. **Ought Not to Pass Report.** An Ought Not to Pass Report may be carried by a plurality of the Joint Standing Committee. A minority report or reports is required.

7. **Unanimous Ought Not to Pass Report.** When all 13 members of a Joint Standing Committee vote to report a bill, Ought Not to Pass, the bill shall, upon notification of both Houses, be placed in the legislative file and disposed of as provided in subsection 10 as prescribed herein.

8. **Leave to Withdraw.** When the sponsor and all cosponsors request that the committee report a bill "Leave to Withdraw" and a majority of 7 or more of the committee concur with the request the Committee report shall be Leave to Withdraw, a minority report or reports shall be filed. **When the bill being withdrawn is covered by other proposed legislation, the leave-to-withdraw report shall so state.**

9. **Unanimous Leave to Withdraw.** When the sponsor and all cosponsors request that the committee report a bill "Leave to Withdraw" and all 13 members of the Committee concur, the bill shall be reported "Unanimous Leave to Withdraw" and the bill shall be placed in the legislative file and disposed of as provided in subsection 10 as prescribed herein. **When the bill being withdrawn is covered by other proposed legislation, the leave-to-withdraw report shall so state.**

9-A. **Referral to Another Committee.** When a plurality of a Joint Standing Committee votes to report a bill out to be referred to another Joint Standing Committee, the bill shall be reported out Refer to Another Committee. When a bill is reported out Refer to Another Committee the report shall specify the committee to which referral is suggested and no other committee action may be taken.

10. **Two-thirds Required.** When a bill or resolve is placed in the legislative file pursuant to subsection 7 or 9, no further action shall be taken following such disposition unless the bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses.

11. **Minority Reports.** Accepted minority reports are: Ought to Pass, Ought to Pass in New Draft, Ought to Pass as Amended or Ought Not to Pass.

12. **New Drafts.** New drafts printed pursuant to these rules shall include the legislative document number that the new bill replaces with the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies which shall be printed of each new draft.

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage in concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to Payment by an Employer when a Physician's Certification of Ill-

ness is Required" (S. P. 240) (L. D. 682) which was tabled earlier in the day and later today assigned pending the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought to Pass" Report in concurrence.

Mr. Kelleher of Bangor requested a division. The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to accept the "Ought to Pass" Report because I think this thing has some hidden implications that you may not be aware of if you are not cognizant with labor relations matters.

This seems to have to do largely with sick leave and all its ramifications. Now, sick leave has always been negotiated, a negotiable item as far as labor-management relations are concerned. I was involved in it for about 35 years and I don't recall ever negotiating a contract where sick leave and all its related problems weren't on the table for negotiation.

The Statement of Fact, as you notice, is very broad in that it says simply that the employer is going to pay. In labor negotiations on sick leave, how many days of sick leave, is there going to be sick leave, how many hours per day will you be paid for, is the return to work slip necessary and under what conditions? Can you get a return-to-work slip from a chiropractor, an osteopath, any old doctor or a particular doctor? All those things get to be very important as far as the employer is concerned because sick leave is a very expensive fringe benefit. The thing that goes along with it makes it difficult because sometimes absenteeism gets involved with sick leave time. For that reason, it is an important issue to most employers.

If a person is out under doctor's care, he has no problem getting a return-to-work slip at all. He simply goes to the doctor that has been treating him and asks for a return-to-work slip, if one is required, and he gets it at no cost. It is only in the instance of an individual being out for a day or two or three without any medical care, that is where the problem arises, because how does he go to a doctor and get a return-to-work slip when the doctor hasn't treated him? What does the doctor say? I don't know what this fellow was suffering from but he is fine today. Obviously, that doesn't do anybody any good. In this instance it would appear to me that that employee that is out for unaccounted for reasons is going to have to make his peace with his employer on his own without interference from this legislative body.

It further seems to me that many employers, non-union employers, have sick leave benefits. These sick leave benefits, as I mentioned before, are very expensive and he has a right to police them. If he finds that this legislative body is dictating certain ramifications of a sick leave policy, I suspect he is apt to say it isn't worth the effort, let them take care of it on their own.

Now, this bill was before this body almost exactly two years ago and it was defeated in this House, and I strongly suggest that you give it the same treatment today and I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, I would like to pose a question through the Chair to the sponsor if passage of this bill by the Maine Legislature would have jurisdiction over the federal agencies within our state?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: In all honesty, I don't know the response to that but I don't believe so. We would have been alerted to it.

The SPEAKER: The Chair recognizes the



gentleman from Mt. Desert, Mr. Zirkilton.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Along with Representative Willey, I will ask you not to accept the Majority "Ought to Pass" Report and instead pass the Minority "Ought Not to Pass" Report. The reasoning is because in my eyes I only see two events where an employer would want an employee to provide some sort of a verification that they were indeed absent for just reason. One would be if the company was so large that it would be very difficult for them to keep track of the number of employees that they have. In that situation, they are most likely represented by a union and it therefore should be a negotiable item. The only other time when I could see an employer asking for a certificate saying that the person was indeed sick would be if that particular employee had demonstrated that they were not necessarily trustworthy and therefore should be questioned.

I happen to work for a small employer and that employer has never questioned me if I have been sick and perhaps someone here may have had that happen to them; if so, perhaps they should vote for the bill.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I believe the comment was made that this bill was before this body in the last session and, yes, it was defeated in this body. The reason it is back is because we have more contention than we had the last time that there is a purpose for this bill. The real purpose is to provide that an employer must bear the cost when a requirement is made to an employee that a physician's certificate must be acquired to show that the employee's absence from work was due to illness. The majority of the committee is certainly not opposed to employers finding ways to cut down on excessive absenteeism or to police in the area of requesting a certificate. Unfortunately, the cost and the method of indiscriminate upon demand is of great concern.

One may have a contract that has a 10 to 15 day agreed to sick pay provision, but employers are demanding a physician's certificate for even a one or three day absence. While it is grievable under a collective bargaining agreement, by the time the issue is resolved and the employee has already had to pay for that letter from his or her doctor, or for that visit that he had to make there in order to get a certificate, the employer prevails and has absolutely no obligation to compensate for those costs.

We also must keep in mind that very many of the businesses in our state are not organized; thus, it makes this issue even more important to those workers.

Physicians that I have talked to, and I did that last year and I did it again this year, find it a terrible and enormous task to try to issue a certificate to someone who has had a three day flu, for example, and since that person during those two or three day periods of illness did not or could not get to his office and then he turns around because his employer insists that he can't come back to work without the certificate and then has to go ask the doctor to sign a document that the doctor cannot concur with, and the result is that more often than not the employee loses a day's pay and not through any fault of his own. Physicians also report that there has been an enormous increase of patients requesting these certificates, so while some employers legitimately can use it as a way to potentially cut down on absenteeism, I think there is documentation enough on the other side to say that it is being used too often indiscriminately and as a matter of harassment. Most doctors report that they will issue it if the patient asks for it, but they will ask the patient to come in and they will ask that patient to pay for it.

We contend that right now the enormous push to force this issue on employees indeed

makes it a condition of employment, and when something like this is absolutely required, we feel there also must be an assuming of equal responsibility on the part of the employer.

The major distressing aspect is that an employee forced to comply with such a request from his or her employer tends to be presumed guilty before there is even a question of potential abuse in 99 percent of the cases. We would have preferred to have left it up to the employers and employees to work out the problem but, unfortunately, since the punitive practice is already in place and is indeed increasing, we deem this legislation to be in order and justified.

The SPEAKER: The Chair recognizes the gentleman from Mt. Desert, Mr. Zirkilton.

Mr. ZIRNKILTON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Portland, Mrs. Beaulieu.

I have the distinct privilege of sitting in the Labor Committee, ladies and gentlemen, and I do not recall at any point any documented information being presented to the committee that stated that there had been a drastic increase in the number of employees requesting a certificate or some sort of verification that they were indeed ill. Perhaps the gentleman could tell me at what point that was presented to the committee?

The SPEAKER: The gentleman from Mt. Desert, Mr. Zirkilton, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: As Chair of the Committee, I do a lot of research work on my own. I believe the other members of the committee, at least I can speak for the sponsor of the bill from the other body, and members of the committee talked to unions, they talked to other employees about this and I have had personal experience with this kind of issue and I believe some other examples were provided at the work sessions and I cannot account if the gentleman was present or not.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: Let me give you a firsthand example of what happens in some of these instances. A number of years ago, I discovered we had a truck driver who had a glass eye. Now, federal law dictates that to drive interstate commerce, you must have a certain amount of vision from either eye. I discovered he had a glass eye listening to his friends joke about it one night and I dashed back to the office and looked at his physical the next day and, lo and behold, he had a doctor's certificate certifying that he had 20-20 vision in either eye. Let me say to all those here who are naive enough to think that you can't do that, you are wrong.

The way this happens, and it happens often, you have a person who is abusing the sick leave privilege. You know who it is; you are not going to penalize some guy who is doing a good job, you are after the guy who repeatedly is out there taking advantage of you. He is out for a day or two with spring fever or whatever, and you know darn well in your own mind that he was well enough to work, so you send him out to get a certificate. I don't know how others do it, but we had in each location a given doctor which we used, a company doctor so to speak that knew of our programs and our philosophies and exactly what we wanted. It happened not once but many times that the individual would go out to get a doctor's certificate, our own doctor wouldn't give it to him, he would go to somebody else and get a return-to-work slip that probably cost two or three times as much as we had agreed for that sort of thing from our own doctor and come back and expect us to pay it. Then we wind up

in all sorts of problems with the union people trying to solve this sort of thing because it is completely contrary to the contract that we had with them.

Another thing I would like to have you think about a little bit is, who is going to police this thing? It says in the bill that the commissioner is going to police it. Ask yourselves how he is going to police it. Is he going to have hearing officers running around the country to hear this sort of thing? If so, where is the impact statement as far as the money is concerned?

I think this bill, although well intended and I know what it is trying to address, is one of those bills that is simply going to do more harm than it is going to do good. There have been a lot of amendments stuck on it now which, I have got to admit, helps it, and I suppose if there are three or four more amendments stuck on this bill, we would be back to nearly as well off as we were in the first place. I hope you defeat the motion on the floor.

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

Mr. MACOMBER: Mr. Speaker, I would like to respond to the question that was asked by Representative Hickey. Unless the rules have changed in the past three years, any action that this body takes would not affect any federal regulations that are now in existence. It would not apply to the federal people.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Bonney.

Mr. BONNEY: Mr. Speaker and Members of the House: I agree very much with Mr. Willey. We have had similar jobs in the past. Most good employers have a company doctor. When anyone is legitimately ill, they have the opportunity to go to the company doctor. If they are taking advantage of the sick pay plan, they still have the opportunity to go to the company doctor. The only reason that they would not go the company doctor is if they are taking advantage of the company plan.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Gauvreau.

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: I, too, sit on the Joint Standing Committee on Labor and I was present at all the workshop sessions and the testimony on this bill, and I think it is a good bill. I agree in large part with the remarks of my distinguished chairwoman, Representative Beaulieu. But I would like to point out a few matters regarding possible confusion as far as the implications of this bill.

First of all, there is nothing in present law which would in any way restrict or limit the employer's choice of physician in matters of a doctor's certificate. In other words, the employee does not have a right to determine which doctor he or she would rather go see, and so far as the cost factor which was alluded to by the gentleman from Hampden, Representative Willey, that's not really a problem because the employer can choose whichever physician he or she prefers and obviously if there is going to be a large number of employees being referred, the employer can get a discount or a break as far as the actual money that is expended.

Second, I think really the question boils down to a situation of fairness—who is really in the best situation to bear or absorb the cost of the doctor's certificate? Is it the employer or is it the employee?

Bear in mind also that in many cases the employee is missing time from work and he is also missing wages. There is nothing at all in this law or the bill which would tie payment of sick leave benefits to the doctor's certificate, especially so among many workers who are not organized and do not enjoy the benefits of collective bargaining contracts. For those people, when they miss a day from work, they miss all their wages; if they miss two days, they miss two days' wages. On top of that, they are being



asked to absorb the additional factor of securing a doctor's certificate. Now that is not merely to get a day or two wages in sick leave benefits, that is to keep their job.

I don't know about the situation where many of you folks are from but I do know Lewiston, and in Lewiston many workers are not organized; many workers are piece workers and for them to have to absorb the double penalty of lost wages as well as a doctor's certificate, that may be simply an unreasonable burden to put upon them. If we are taking a look at the broad perspective as far who is in the best position to bear it and absorb that cost, I think you have to agree that with the difficult decision we should make the employer, on this situation, bear that cost, and that was the prevailing sentiment upon the Committee on Labor when we reported this bill out.

For those reasons, I think the bill is solid, it is a fair bill and I would urge you to pass it today.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to any member of the Labor Committee.

My question is, what is the method of operation for the state of Maine with its 13,000 employees and how would this bill affect the state of Maine if, in fact, one of them was out sick? Are we going to require the state employees to come in with a doctor's certificate, and if we are, is the state prepared to pay for it?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: It is my best understanding that that is handled through labor negotiations through all the different contracts you have with state employees and that sort of thing, that it is completely covered within their negotiations and has been for some time, and I might say, adequately so.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I thank the colleague of mine from Penobscot County in answering the question and if that is the case, I don't believe that we should be applying anything different to any other employees outside the state of Maine, outside the employment of the people of the state of Maine.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would say to you that more often than not the employers in this state do a fair and adequate job and do what is right by their employees. Unfortunately, there are those who abuse and do not. So you might want to take a look at the bill from the perspective that this isn't a bill for the good employers, it is a bill aimed at the abuse that is occurring because of some employers who simply refuse to put trust in the people they hire.

May I also say that I suspect that if an employer had a certificate signed by a physician saying that an employee had 20-20 vision when indeed he had a glass eye, I am quite sure that if the employer paid for that certificate, that is one doctor who would be in a heck of a mess.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I don't know why everyone is worrying so much about the employer. I think the work effort in the state of Maine speaks for itself. However, I don't think anyone is going around bragging about the wages that we get here in the state of Maine, and I think that is a big item. If that person has

to pay for that certificate from a doctor, that is certainly going to bite into their meager wages.

The employer has a good chance to police these certificates, there is no question about it. He has their work ethic, he has watched them over the years, he knows when they are fooling around and taking an extra day or two and they are not sick. All I can say to some of the people that got up on the floor this morning, I think it is too bad that some of these people can't govern their own businesses. I would fire a lot of these people. If they showed me they couldn't be trusted and just when I depended on them the most they would take an extra day, I certainly would get rid of them. I have done a lot of negotiating in my time and I don't see that this isn't a wonderful bill. It certainly will help all the way down the line.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I was waiting and hoping a few questions would be answered or a few thoughts were raised but they haven't so I will attempt to answer a couple of them.

I think we only have to look around, that many of us have been absent in the last few days with illnesses such as grips and colds, and I wonder how many sought out a doctor. Doctors don't come to the house anymore and we don't feel like getting up and going to the doctor so we take our two or three days in bed and we return to work when we are able. So I say, some people would have to pay an added expense; those who didn't seek professional counsel, didn't seek the doctor to tell him to take the two aspirin and go to bed might have to pay a fee, so it is not a case that it wouldn't cost them anything.

Many large companies, as was mentioned earlier, have a medical department. They would have the right to ask their employee to go to this medical consultant and in any case that I have ever been involved in, when the company doctor and the private physician disagree, arbitration has always come down on the side of the company doctor. The company has an interest also, not only whether the man is able to come back to work but whether he should in some cases.

I heard the story about the man with the glass eye. If we are going to tell a few war stories, I served in the service with a man overseas who had a glass eye and you might say, how did he get by an examination in the service and how did he get by with a further exam to go overseas? It is very simple. Manytimes you remember, the doctor would give you a card and say, put it over your left eye and read the chart with your right eye, so you did it like this (covering his left eye) and now he says the other eye, you put the card down, put it in your other hand and put it back over the same eye and read it again. It has been done many times.

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 to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cooper, Cox, Crouse, Diamond, Erwin, Gauvreau, Gwadsky, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kelly,

LaPlante, Lehoux, Lisnik, Locke, MacEachern, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Reeves, P.; Richard, Rolde, Rotondi, Seavey, Smith, C.B.; Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Conary, Conners, Cote, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Kelleher, Ketover, MacBride, Macomber, Manning, Masterman, Masterton, Matthews, K.L.; McGowan, McPherson, Melendy, Moholland, Murphy, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Small, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Mahany, Maybury, Sherburne, Soule, Studley.

Yes, 69; No, 77; Absent, 5.

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

Thereupon, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

#### (Off Record Remarks)

On motion of Miss Brown of Bethel, Adjourned until nine o'clock tomorrow morning.