

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

Friday, April 8, 1983

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

Prayer by Reverend Douglas Morgan Strong of the All Souls Unitarian Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

April 7, 1983

The Honorable John L. Martin
Speaker of the House
111th Maine Legislature
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business Legislation, the nomination of Robert A. Burgess of Augusta as Superintendent of the Bureau of Consumer Credit Protection.

Mr. Burgess is replacing Barbara Alexander.

Sincerely,

S/ JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-48) on RESOLVE, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine. (S. P. 51) (L. D. 144)

Report was signed by the following members:

Senators:

SHUTE of Waldo

CHARETTE of Androscoggin

— of the Senate.

Representatives:

HANDY of Lewiston

McSWEENEY of Old Orchard

PERRY of Mexico

COX of Brewer

DUDLEY of Enfield

COTE of Auburn

DILLENBACK of Cumberland

STOVER of West Bath

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 member:

Senator:

DANTON of York

— of the Senate.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-43).

In the House: Reports were read.

The Majority "Ought to Pass" Report was accepted in concurrence and the Resolve read once.

Committee Amendment "A" (S-48) was read by the Clerk and indefinitely postponed in concurrence.

Senate Amendment "A" (S-43) was read by the Clerk and adopted in concurrence and the Resolve assigned for second reading the next legislative day.

**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:

Judiciary

Bill "An Act to Provide Litigation Authority for the Maine Human Rights Commission" (H. P. 1092) (Presented by Representative Soule of Westport) (Cosponsor: Representative Livesay of Brunswick) (Submitted by the Maine

Human Rights Commission pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Provide for the Continued Operation of the Maine Occupational Information Coordinating Committee and Include an Economic Data-based System for Economic Development within the Committee's Designated Responsibilities" (H. P. 1093) (Presented by Representative Beaulieu of Portland) (Cosponsors: Representatives Foster of Ellsworth and Connolly of Portland) (Submitted by the Department of Labor pursuant to Joint Rule 24)

Committee on Labor was suggested.

On motion of Mr. Carter of Winslow, tabled pending reference and specially assigned for Monday, April 11.

Transportation

Bill "An Act Concerning the Stopping of Trucks at Roadside Weighing Points" (H. P. 1094) (Presented by Representative Theriault of Fort Kent) (Cosponsors: Representatives McPherson of Eliot and Reeves of Pittston) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

On the request of Representative Melendy of Rockland, the following Joint Resolution was removed from the Special Sentiment Calendar:

In memory of:

Our friend and colleague the Honorable James H. Mayo, of Thomaston, who served as a member of the House of Representatives in the 111th Maine Legislature; (HLS 313) by Representative Melendy of Rockland. (Cosponsors: Senator Collins of Knox, Representatives Kelly of Camden, Allen of Washington, and Scarpino of St. George)

Thereupon, the Resolution was read and adopted and sent up for concurrence.

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

Representative Benoit from the Committee on Judiciary on Bill "An Act Relating to Visitation Rights for Grandparents" (H. P. 143) (L. D. 151) reporting "Leave to Withdraw".

Representative Benoit from the Committee on Judiciary on Bill "An Act Concerning Visitation Rights for Grandparents of Children Involved in Divorce or Custody Proceedings" (H. P. 176) (L. D. 205) reporting "Leave to Withdraw".

Representative Benoit from the Committee on Judiciary on Bill "An Act Concerning Grandparents' Visitation Rights" (H. P. 999) (L. D. 1307) reporting "Leave to Withdraw".

Representative Seavey from the Committee on Health and Institutional Services on Bill "An Act to Prevent Contamination of Milk Through the Use of Formaldehyde" (H. P. 290) (L. D. 349) reporting "Leave to Withdraw".

Representative Webster from the Committee on Health and Institutional Services on Bill "An Act to Require the Inspection of Hospital Pharmacies Prior to Licensure" (H. P. 505) (L. D. 603) reporting "Leave to Withdraw".

Representative Higgins from the Committee on Taxation on Bill "An Act to Provide for Simplified and Uniform Taxation of Watercraft" (H. P. 675) (L. D. 858) reporting "Leave to Withdraw".

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

Ought to Pass in New Draft/New Title

Representative Benoit from the Committee on Judiciary on Bill "An Act to Establish Grandparents' Visitation Rights" (H. P. 245) (L.

D. 292) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Visitation Rights for Parents and 3rd Persons with Children Involved in Divorce or Custody Proceedings" (H. P. 1091) (L. D. 1433)

Representative Lebowitz from the Committee on State Government on Bill "An Act Creating a 'Maine-owned Business' Logo" (H. P. 425) (L. D. 507) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Providing for a Study of a Maine Product Marketing Strategy and a Maine Business Product Logo. (Emergency) (H. P. 1095) (L. D. 1437)

Reports were read and accepted, the New Drafts read once and assigned for second reading the next legislative day.

Consent Calendar**First Day**

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

(H. P. 603) (L. D. 751) Bill "An Act to Exempt Clustered Single Family Subdivisions from the Maine Condominium Act"—Committee on Judiciary reporting "Ought to Pass".

(H. P. 700) (L. D. 889) Bill "An Act to Amend the Procedure for Assessing Surveying Costs in Court Cases"—Committee on Judiciary reporting "Ought to Pass".

(H. P. 804) (L. D. 1044) Bill "An Act Relating to the Maine Municipal and Rural Electrification Cooperative Agency"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-122).

(S. P. 298) (L. D. 912) Bill "An Act to Improve the Administration of Agricultural Fairs"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-47).

(H. P. 847) (L. D. 1097) Bill "An Act Eliminating the Responsibility of the State Planning Office to Prepare an Annual Housing Report"—Committee on State Government reporting "Ought to Pass".

(H. P. 862) (L. D. 1111) Bill "An Act to Amend the Competitive Bidding Procedure to Allow Negotiation for Petroleum Product Procurement" (Emergency)—Committee on State Government reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of April 11, under the 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:

(H. P. 892) (L. D. 1157) Bill "An Act to Promote Early Permanency for Children Subject to a Protective Order"

(H. P. 891) (L. D. 1156) Bill "An Act to Improve the Child and Family Services and Child Protection Act"

(H. P. 889) (L. D. 1154) Bill "An Act to Establish Clearer Guidelines for Guardians Ad Litem Appointed Under the Child and Family Services and Child Protection Act"

(H. P. 688) (L. D. 868) Bill "An Act Regarding the Motor Vehicle Offenses of Eluding a Police Officer and Passing a Roadblock" (C. "A" H-121)

(H. P. 814) (L. D. 1054) Bill "An Act to Amend the Waiting Period After Promulgation of a Rule by the Bureau of Banking"

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

Passed to Be Engrossed

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law"

(Emergency) (S. P. 459) (L. D. 1390)

Bill "An Act to Protect Unemployed Workers from the Loss of Unemployment Benefits without the Opportunity for a Fair Hearing" (H. P. 1089) (L. D. 1416)

Bill "An Act Concerning the Hiring of 'Clerk-of-the-works' for the Inspection of Public Improvements" (H. P. 1090) (L. D. 1417)

Bill "An Act Concerning Registration of Deer in Unorganized Territories" (H. P. 1074) (L. D. 1406)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Enacted

An Act to Equalize Health Insurance Benefits for Retired State Employees. (S. P. 323) (L. D. 968) (C. "A" S-41)

Was 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.

Enactor Tabled and Assigned

An Act Pertaining to the Political Rights of State Employees. (S. P. 439) (L. D. 1318) (S. "A" S-42)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Nadeau of Lewiston, tabled pending passage to be enacted and specially assigned for Monday, April 11.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Provide for the Negotiation of Union Security Provisions" (S. P. 267) (L. D. 812)

Tabled—April 7, 1983 (Till Later Today) by Representative Beaulieu of Portland.

Pending—Passage to be Engrossed.

Mr. Zirkilton of Mount Desert offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-123) was read by the Clerk.

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

Mr. ZIRKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Earlier this week, this body voted 77 to 62 to pass a law that would allow for the negotiation of union security provisions. Today, I would like to address some of the problems associated with this bill and tell you why this amendment will help to solve some of them.

Let's assume for a moment that this bill were to pass in its current form—what would be the result? According to the Municipal Public Employees Labor Relations Act effective September 18, 1981, under Section 963, no one shall directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against public employees or a group of public employees in the free exercise of their rights hereby given voluntarily to join, form and participate in the activities of organizations of their own choosing for the purposes of representation in collective bargaining, or in the free exercise of any other right under this chapter. The key words here are "voluntarily, organizations of their own choosing," and, of course, the phrase "free exercise of their rights."

L. D. 812 does not address Section 963 of the Labor Relations Act, so there would be quite a conflict if the bill were to pass in its present form.

Under Section 964 of the same Act it clearly states that employers are prohibited from encouraging or discouraging membership in any employee organization by discriminating in regard to hire or tenure of employment or any

term or condition of employment. Again, we have another conflict, and here the bill does not address this point.

Now we turn to the Maine Department of Labor Employment Security Law, Section 1193, Paragraph 3-b, the topic is Unemployment Compensation. It states that: No one shall be denied unemployment compensation benefits if they refuse to accept a job that would require them to join a labor organization. Again, another conflict.

Everyone knows the serious financial shape of our unemployment compensation fund. If this bill passes and the labor unions exercise their right under the proposed law, it could mean that anyone who refused a job with every municipality in this state might not be removed from the unemployment compensation rolls if they decide not to accept that job.

Another problem—some cities and towns require that welfare recipients work to receive a day's welfare pay. Could this bill mean that anyone who is currently working for their welfare payments might not be able to do so unless a portion of that welfare check went toward the local union?

This bill has a lot of problems, and if you feel that the taxpayers, the citizens of the State of Maine, who are really the employers in this particular case, if you feel that they are so horrible that the municipal employees should organize and have total union security, then vote against the amendment and that is what you will have. But if you realize the problems with this bill are serious, you will add this amendment and insure that an arbitrator will never be able to shove mandatory union dues down on the real employees in this situation, the throats of the public.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: It's amazing that all this data would come forward, particularly when our committee investigated all these aspects, particularly when we already have security provisions that are available and in place under the University of Maine Act. It sounds like the same kind of red flags that were raised when we were dealing with this issue.

The bill before you simply asks legal permission for union security provisions to be bargained. What will be written and agree to by both parties at the local level, as I said the last time, is none of our business. What they negotiate and what they agree to and what winds up in a contract is to be debated at the local level. I know of no current contract that has a provision that forces everybody to join a union.

This amendment was offered in the other body and promptly defeated. The experience in our state re current contracts that have union security clauses is that the issue has never before gone to arbitration.

I contend that if we have a segment of public employees that have the right under collective bargaining procedures to negotiate such a clause, then all of them should have it; therefore, I would ask for the indefinite postponement of this amendment and I ask for a roll call.

The SPEAKER: The gentleman from Portland, Mrs. Beaulieu, moves the indefinite postponement of House Amendment "A".

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to the Chair. How germane is this amendment to this bill?

The SPEAKER: This matter will be tabled pending a ruling from the Chair.

The Chair laid before the House the second item of Unfinished Business:

An Act to Prohibit Hazing at Post-secondary Institutions. (H. P. 1023) (L. D. 1324)

Tabled—April 7, 1983 (Till Later Today) by

Representative Gwadosky of Fairfield.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: A couple of days ago, I tabled this bill because I had some specific questions on a couple of the areas in the bill. I have had a chance to clarify, at least in my mind, what some of the effects of this bill may have, and I would like to share some of those with you at this time.

Let me say that I sympathize with the very real problems that the sponsors and proponents of this legislation are trying to resolve with this bill, and I don't think anyone can argue with the sincerity of their objections; however, when it comes to our role as legislators and as agents of this state government, I think it is critical for us to ask ourselves, perhaps among a number of questions whenever we are asked to change a law such as this, is whether or not we are doing so realistically.

The purpose of this bill, as it has been presented and as it appears in the Statement of Fact, is to prohibit hazing on college campuses. The mechanism for this bill would be to allow the board of trustees of a particular college or university to adopt some rules which would preserve the maintenance of public order and also prohibit activities which may intentionally endanger the mental or physical health of a student enrolled at an institution in this state.

The other day I asked some of the committee members on Education if there were any colleges or universities that testified at a public hearing in support of this bill. The answer was no, that there was not. If you think about that, it might surprise you at first, but it didn't surprise me, and the reason it didn't surprise me is because colleges and universities across this state already have the authority and the power to preserve and maintain the public order. They can prohibit activities which intentionally endanger the physical and mental health of students. They have governing boards, they have disciplinary boards, but they utilize this enforcement power realistically with an understanding that regardless of the standards they may set up, there is going to be an enforcement problem in a lot of areas.

My problem with passing this particular bill today is explicitly that it deals with enforcement. Once we have a state law mandating that our colleges and universities will be responsible for enforcing this law, I can't see how we are not also transferring the liability to colleges and universities.

For example, let's say that a person who is involved in a fraternity or sorority happens to get injured, God forbid, let's say he gets critically injured, or the worst case, for example, gets killed. I am using a hypothetical situation, certainly. Senator Hayes, who is on the committee, related during the hearing an incident that happened in 1967 and 1969, but let's say, using the worst case as an example, somebody gets critically injured or killed and the parents of that student want then to take on someone, I can't see how, if we pass this bill, they are not going to be allowed to sue a college or university because they are not enforcing these rules and regulations we are mandating that they adopt.

To make matters worse, under the administration of this law, it says on Page 2 of the bill, "The trustees shall assign the responsibility for administering the rules to an administrative officer of the institution, and he has to enforce these rules whether these activities occur either on or off the campus. So if a fraternity is involved in some project that is 200 miles off the campus, this administrative officer is responsible for enforcing that this doesn't happen."

I would suspect that this bill, regardless of what I have just said, regardless of how out-

rageous it may seem in some people's minds, I would suspect that this bill would have some pretty good support because it is another "get tough" piece of legislation. And if there is anything that has happened in these last couple of years, if there is anything we have noticed during this session, it is quite a popular thing to pass some "get tough" legislation. I don't have a problem with that necessarily, because we are as a body somewhat of a reactive body. Whenever outrageous incidents occur in the State of Maine or across the country, more often than not we will see a flood of bills submitted in the next legislative session to correct that problem, and the clearest example I can think of is the insanity bills because of the problem we had with the assassination attempt and all the insanity bills we have had this session.

In our haste to resolve this problem, my concern is that rather than solve this problem, we are today merely passing this problem along to our colleges and universities. If we are passing this problem along to our colleges and universities, we may want to re-think what their role should be. Do we want them to be providing an education, do we want them to be involved in law enforcement, do we want them to be involved in babysitting students? I am thinking of an example that has been occurring across the state and has been for years and years, the incident where the mother and father of a high school student calls up the high school principal and says, my kid is in trouble again, can't you keep him in school during the day?

The important thing to remember today is that we are not talking about high school students; we are talking about adults, adults who are presently attending our colleges and universities. They make the decision to join a particular fraternity or particular sorority of their own free will. No one is forcing them to join these particular fraternities or particular sororities anymore than they are forcing them later on in life to join the Masons or the Knights of Columbus or the Eagles or the Elks.

There are colleges across this state today that are facing financial difficulties with their current responsibilities. I am not sure this State of Maine has an interest in placing an additional burden upon them. I am not sure the state should be infringing upon the rights of our colleges to have their own governing bodies. I am not sure we want to take away their local control.

I understand the desire many of us feel this afternoon to do something positive in this area, but in our anxiety to do so, I hope we will not pass this problem along but rather attempt another legislative solution to this problem. Whether it is a bill to strictly put liability upon fraternities or sororities whose members happen to get seriously injured or critically injured during the pledging process or whatever it happens to be, I think it is more palatable for us, more responsible for us, to be solving this problem ourselves rather than to be passing it along to campuses.

I would urge you, as you vote on this, to consider your vote carefully. I would urge you to vote against this bill on enactment and I would request a division on enactment.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Small.

Ms. SMALL: Mr. Speaker and Members of the House: I would like to speak of some of the points that the good representative from Fairfield brought up.

L. D. 1324 does do a number of things. It requires college and university administrations to establish rules and penalties and define injurious hazing. Most post-secondary schools have some rules already established. This bill will require that the schools enforce the anti-hazing rules. It also requires the schools to designate which administrator is responsible for its enforcement. Hopefully, this will prevent the same thing from happening to others that happened to one student at a VTI. She was the

victim of injurious hazing and harassment and not one school official would intervene on her behalf. They passed the buck until there was no one left to appeal to.

The legislation prohibits hazing, injurious hazing, on and off campus. Some object to the off-campus provision, but it is necessary to make the bill effective.

Most sororities, because of past Maine Blue Laws, do not have on-campus housing; therefore, all or most of their activities are off campus.

If a fraternity or sorority went into a Shakee's or Denny's Restaurant and did an extensive amount of damage, I am certain that the school could and probably would take disciplinary action. My bill asks that they do the same if injurious hazing takes place off campus. The school would then look into it and take appropriate action if they judge it necessary.

A list of deaths related to off-campus hazing include: University of Missouri—fell to his death off the Jefferson City Monument, I don't think that was on campus; died of head injuries after jumping into a mud hole during hazing—that could have been on campus; Virginia State College, the Wine Psi Phi Fraternity and the Beta Phi Burgandy Sorority—both drowned during initiation rites—that was off campus; Louisiana, killed by car while walking blindfolded across a highway during initiation rites; Texas—a railroad train ran over him—that must have been off campus; another one, remains in coma after being found on the road severely beaten and unconscious after being dropped off by fraternity members during initiation. These are just some of the accidents and mishaps that have happened during off-campus hazing.

If my brother had been killed or injured during hazing when he was left in Canada to hitchhike home as part of an initiation to a fraternity, I think it only fair that it be on the statutes that if it was illegal to leave him, the fraternity could be subject to disciplinary action.

If the law is unenforceable, as some would argue, then we had better repeal our laws dealing with arson, rape and income tax evasion, because very few who commit these crimes are brought to justice. But how many are deterred because there is a law on the books? And for the few culprits that are brought before the justice system, I think the victims are thankful that there is a law there to mete out the punishment.

This legislation is supported by national fraternal organizations. Indeed, they are actively pushing for legislation in every state. Well over half the states have anti-hazing laws, most more stringent than the one we are proposing. School administrators are supportive of this legislation. The person who requested that I sponsor this bill is a former administrator at the University of Southern Maine as well as an active alumnus of his fraternity.

Former fraternity and sorority members support anti-hazing legislation. Representative Handy is a member of a fraternity and I am a member of a sorority. I think most members of fraternal organizations oppose injurious hazing. It is only a few who perpetrate these practices, but the few can discredit the whole system.

Our colleges and universities are facilities to teach our young men and women the arts and humanities, to teach them job skills and to teach them social skills as well. They should not allow organizations to teach brutality as a sign of loyalty and harassment as a form of entertainment.

I hope you will support this bill and not vote for indefinite postponement. I request a roll call.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I want to tell you a little story about myself. I graduated from a prep school in central Maine, I led my class. When I came out of that prep school, maybe there was somebody who could tell me something, but I doubt it. I went to the University of Maine and in those days freshmen could join fraternities, which I did. Six months later, a lot of people could tell me a lot of things. It was the best thing that ever happened to me and I certainly will vote against this bill.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to take a page out of Representative Dillenback's book this afternoon. I am one of those that survived fraternity hazing, and that is probably a good reason for many of you to vote for the bill this afternoon. By the look on the Speaker's face, I think he will for that reason alone.

I hope that you support the indefinite postponement motion this afternoon. I am kind of proud to live in Maine, I think that we in Maine don't abuse a lot of what the rest of the country perhaps abuses. I can appreciate the gentleman's concern, the gentlelady from Bath, Ms. Small's concern when she spoke of the deaths that have occurred. When I spoke against this bill a couple weeks ago, I asked the gentlelady how many of those deaths had occurred in Maine, and I believe the response was "none." I asked how many incidents of the kind of thing that she is trying to prevent occurred in Maine, and I am not sure that I heard much of an accounting of that either.

I guess that we ought to leave to the university and to the colleges the ability for them to police themselves. I think in Maine they have done a darn good job of doing so. I don't think they need additional legislation; I don't think this House should be in the position of passing additional legislation to give them further encouragement. I think they have done a superb job and I don't think it is a problem in Maine; in fact, I haven't heard of any incidents where hazing has gotten out of control. In fact, to join a fraternity or sorority is a voluntary act. To my knowledge, it always has been. To my knowledge, anyone who wants to get out can do so at any time, and I hope that you support the motion before you to indefinitely postpone this piece of legislation which, in my mind, is not needed.

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 passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Baker, Beaulieu, Bost, Bott, Brodeur, Cahill, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Conary, Connors, Connolly, Cox, Crowley, Curtis, Dexter, Diamond, Drinkwater, Foster, Gauvreau, Greenlaw, Handy, Hickey, Higgins, H.C.; Hobbins, Holloway, Ingraham, Joyce, Kane, Kelleher, Kelly, LaPlante, Lebowitz, Locke, MacBride, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Maybury, McSweeney, Michael, Mitchell, J.; Murphy, Murray, Nadeau, Norton, Paradis, E.J.; Perry, Pines, Randall, Reeves, J.W.; Reeves, P.; Ridley, Rolde, Rotondi, Scarpino, Small, Smith, C.B.; Sproul, Stevenson, Stover, Swazey, Tammaro, Thompson, Webster, Wentworth.

NAY—Allen, Anderson, Andrews, Armstrong, Bell, Bonney, Brannigan, Brown, D.N.; Callahan, Carrier, Carter, Clark, Cooper, Cote, Crouse, Daggett, Davis, Day, Dillenback, Erwin,

Gwadosky, Hall, Hayden, Jackson, Joseph, Ketover, Kiesman, Kilcoyne, Lehoux, Lisnik, MacEachern, Manning, Masterman, Master-ton, Matthews, Z.E.; McCollister, McGowan, McHenry, McPherson, Melendy, Michaud, Paradis, P.E.; Paul, Perkins, Pouliot, Racine, Richard, Roberts, Roderick, Salisbury, Seavey, Sherburne, Smith, C.W.; Soucy, Soule, Stevens, Telow, Theriault, Tuttle, Vose, Walker, Weymouth, Zirkilton.

ABSENT—Benoit, Brown, A.K.; Brown, K.L.; Dudley, Higgins, L.M.; Jacques, Jalbert, Lewis, Livesay, Macomber, Mahany, Mitchell, E.H.; Moholland, Nelson, Parent, Strout, Willey, The Speaker.

Yes, 68; No, 63; Absent, 18; Vacant, 2.

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

Signed by the Speaker and sent to the Senate.

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

An Act to Prohibit Shooting within 100 Yards of any Dwelling During Hunting Season. (H. P. 167) (L. D. 198) (C. "A" H-90)

Tabled—April 6, 1983 by Representative Vose of Eastport.

Pending—Motion of Representative Armstrong of Wilton to Indefinitely Postpone Bill and All Accompanying Papers. (Roll Call Requested)

On motion of Mr. MacEachern of Lincoln, tabled pending the motion of Mr. Armstrong of Wilton to indefinitely postpone and specially assigned for Monday, April 11.

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

HOUSE DIVIDED REPORT—Majority (12) "Ought to Pass" in New Draft (H. P. 1088) (L. D. 1415)—Minority (1) "Ought Not to Pass" Committee on Judiciary on Bill "An Act Relating to Justices and Judges of the Supreme Judicial, Superior and District Courts" (Emergency) (H. P. 73) (L. D. 78)

Tabled—April 7, 1983 by Representative Hobbins of Saco.

Pending—Motion of same gentleman to accept the Majority "Ought to Pass" in New Draft Report.

On motion of Mr. Hobbins of Saco, retabled pending the motion of the same gentleman to accept the Majority "Ought to Pass" in New Draft Report and specially assigned for Monday, April 11.

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

Bill "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372)

Tabled—April 7, 1983 by Representative Gwadosky of Fairfield.

Pending—Reference in concurrence.

On motion of Mr. Gwadosky of Fairfield, retabled pending reference in concurrence and specially assigned for Monday, April 11.

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

Bill, "An Act to Provide for State Service Payments to Municipalities in which State-owned Buildings are Located" (H. P. 1035)

Tabled—April 7, 1983 by Representative Carter of Winslow.

Pending—Reference.

On motion of Mr. Carter of Winslow, retabled pending reference and specially assigned for Monday, April 11.

The SPEAKER: The Chair recognizes the gentlewoman from Limestone, Mrs. Pines.

Mrs. PINES: Mr. Speaker, is the House in possession of Bill, "An Act to Require Hospitals to Provide Itemized Bills upon Request" (S. P.

460) (L. D. 1391) (H. "A" H-120)

The SPEAKER: The Chair would answer in the affirmative.

Mrs. PINES: I move that the House reconsider its action whereby the Bill was passed to be engrossed as amended by House Amendment "A" (H-120) in non-concurrence.

The SPEAKER: The gentlewoman from Limestone, Mrs. Pines, moves that the House reconsider its action whereby the Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence.

The gentlewoman may proceed.

Mrs. PINES: Mr. Speaker, Ladies and Gentlemen of the House: The issue of delineation of nursing service on an itemized hospital bill deserves dialogue but it does not merit being tacked on another bill. If those persons who brought the amendment to the attention of the sponsor were genuinely concerned about the merits of the issue, they certainly could have attempted to introduce a separate bill through the regular channels prior to the deadline of submitting bills. Or, if it was an afterthought, it could have been brought forward as an after deadline bill through the Legislative Council.

As a registered nurse myself, I realize the amount of time spent in providing on-hands nursing care to a patient. I don't object to the issue being discussed on its own merits; however, this L.D. 1391 has been purposely kept simple in order to provide, especially our senior citizens who came to our hearing and those other interested persons, the means to obtain an itemized hospital bill upon request.

The bill is not a definition of an itemized hospital bill. At the present time, I am unaware of any hospital in Maine that breaks down nursing services. In Massachusetts, there is presently litigation pending between the hospitals and the nurses association. We may learn from the results of this litigation. It would be prudent and proper for us to deal with this major issue at another session.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I would hope that you would vote against the pending motion.

First of all, if I might address some of the concerns of Representative Pines, I believe this is why we have amendments, so that we can indeed deal with issues independently and separately.

The issue of itemized bills and itemize particularly nursing care was brought up at the public hearing, at both public hearings. It was aired, it was thought out, it was considered, it was reconsidered inside the committee. The committee felt it was very important that the itemized bill come out intact, all in one piece, unanimous, and that is how it came out. No one was surprised that I introduced the amendment. I not only Chair Health and Institutional Services but I introduced this amendment as Merle Nelson, State Representative from Portland, Maine.

Having been a patient much too long and in many places in the State of Maine, and having been a parent of a child who has been hospitalized in other states, I am fully aware of the implications of an itemized bill. My daughter happened to be in a Massachusetts hospital that did itemize nursing care as part of a hospital cost containment effort. It was the Mass. Eye and Ear. They have found, in fact, that by itemizing nursing care, they are able to keep their hospital costs down.

The litigation in Massachusetts deals with the law that has to do with hospital cost containment and not whether they itemized nurses charges on the bill.

I think it is very interesting, as I look through my many itemized bills, that surgical gloves are listed at 60 cents, that the vaporizer which I used was itemized as \$2, but room and care, which was \$236 a day was lumped in that way.

I simply want to remind you too that when

Bill Caldwell wrote his article on itemized hospital bills, he was able to find out that at the Maine Medical Center it was \$54 a day for nursing care, so he was able to find that information quite easily.

I just want to remind the people on the floor that nursing care is the primary business of a hospital. If patients did not require nursing care, hospitals would not exist. Nurses are the major provider of nursing care; yet, a charge for nursing services does not currently appear on the hospital bill.

Nursing presently comes under the broad category of room and board, along with mops, dust pans, foods, beds, lamps and tables. Consumers who utilize the same room pay the same price for nursing care regardless of the amount of nursing care he or she receives. All other hospital services and products are identified on the hospital bill. Physicians are identified. Physical therapy costs are identified. Radiologists' costs are identified, anesthesiologists, treatments, drugs, pills and, yes surgical gloves. If hospitals are to contain costs, make decisions regarding budgets and quality assurance, it is essential that nursing costs are separate and distinct from room and board charges.

This amendment gives hospitals two years to make alterations in accounting procedures to include nursing services. I hope that this body would deal with this amendment that is in front of us and vote no on the pending motion.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: As cosponsor of the bill, thanks to the committee, I have been able to follow very closely their work and they have worked very hard on this bill.

As far as the nurses are concerned, I think if we were going to put it in immediately, I would not be for it because to do it quickly would cost quite a bit of money. However, over two years it would not.

In my opinion, all the nurses are trying to do is get recognized, recognized as giving primary care, and this bill will do it. I certainly hope you vote against the motion.

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

Mr. KIESMAN: Mr. Speaker, I would like to pose a question through the Chair. I would like someone to explain to me how they would propose that you would flake out the individual nursing care that any individual patient might receive, because if you are going to do this, then you must break it right down to an individual patient. Are you proposing a time clock by each bed or by what mechanism would you be able to accurately delineate the care that is provided for a specific patient?

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

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: To try to answer that question would be very difficult because I am not a hospital administrator. We have given them two years to determine how they wish to do that, if they wish to simply lump a certain amount of money, that is fine. This piece of legislation doesn't tell them how to do it. We certainly did not tell them how to itemize the rest of the bill that somebody has, that is up to the individual hospital administrators to do as they wish and we gave them two years to do that.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: We just heard discussions about hospital cost containment. Well, I want to tell you, if you implement something like this, you are going to have to have a little clerk running around behind every nurse to take

down how much time they spend with a particular patient. If you work in a hospital for a short time, you will see a nurse ricocheting up and down the hall like a whirling dervish, dropping into this room, that room and another room and spending one or two minutes per patient in many of these stops. If you just want to go through a mathematical equation and divide up the number of patients in the ward at any given day and divide that by the amount of nursing hours that are spent, that is one thing, but it does nothing. If you are really serious about this, then you must come up with a mechanism and I don't think we should just blithely say: Aw, we'll leave it up to the hospital administrators to figure this out. If we don't have an answer, we shouldn't impose it on somebody.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: I believe the way to itemize nursing care is not to tell the hospital how to do it but one of the things that the hospitals are telling us is that 60 percent of their cost is due to staff salaries and most of that staff salaries is nursing care. It seems to me, just as they would pro-rate or somehow state what that cost of nursing care is, regardless of how they do it, we would get some idea. Some hospitals have done it by separating out their patients in four categories of nursing care, four levels, so if somebody is getting one kind of treatment, they will categorize it as one level, second level, third level or fourth level, it doesn't mean that we cost out per minute but it means that we just show that what the cost of nursing care is in general at the hospital.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Michael.

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the gentleman from Auburn that there are nursing classification systems currently available that you can use to determine the different level of nursing.

An intensive care patient would have, according to some of the classifications that I have reviewed, a level of at least one to one in terms of nursing. Someone that is under intensive care, you would know that they would be receiving that level of nursing for the time that they are in intensive care. A patient with lesser problems would receive a different ratio, so there are mechanisms currently available for analyzing the cost of nursing care.

As I think someone mentioned, nursing care probably only represents about 50 percent of the room cost, so it is very important that we do not postpone this amendment. There is really no reason at all for us not to itemize clearly the hospital costs, including the nursing costs. If we are to be serious about our intent to get a handle on rising medical costs, it would be totally inappropriate for us to let this amendment slip by. It is vital to what we are up to here in the Legislature in terms of our commitment to limit health costs.

I want to say that there is one other aspect you should be aware of, that if you are a patient and you get a bill from a hospital, your bill will say room cost, x-amount of dollars and you may know that you were in such a category of patient, that is, you may have been in intensive care or you may have had semi-private room or whatever, but without the itemization, without it being itemized, you can't tell whether or not you have paid for services you didn't get. As you can see, it is vital to the process of getting a handle on excessive hospital costs.

Like Mr. Perkins said, this amendment will go into effect in two years and that is ample time for the hospitals to adjust to the cost if there is any cost.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hayden.

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

tlemen of the House: Two very brief points. I would like to draw your attention to the main body of this bill and in that, in the concept that we are talking about in this amendment and the concept of the itemization of medical costs, we are not telling the hospital how to itemize any medical costs. What we are doing is, we are saying is whether we are talking about the professional care of nurses or whether we are talking about the type of medical care somebody is receiving, that a patient has a right to know where his money has been spent or, more importantly, where the government's money has been spent.

The experience that I suspect a lot of you have had when you have campaigned or you have gone into a store in your town, you have talked to somebody that is on Medicare and they say: You know, the darndest thing happened to me, I got a bill for medical care, not to be paid for by them but to be paid for by a third party, often the federal government, and they have said: "You know, I don't think that I received this care." I contacted the hospital, I contacted the doctor, and they pretty much discouraged me from going forward with this. They say, "Why do you have to worry about?" Well, a lot of people do care and a lot of people know when something is not absolutely above board and whether they have to pay for it or not, they want it corrected.

This amendment makes the bill that we have before us have hospitals do their job just the way a merchant does, just the way anybody else who provides a service and gives somebody a record of that service, but part of that record is the professional care that nurses have given, I think it is appropriate. I don't think we should tell hospitals how to itemize their bill, just the way we are not going to tell them in the bill how to itemize all the hospital costs.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for having you get so many calls by these nurses and they have probably been using my name, but let me assure you that there are other members of my committee who feel the same way as Representative Pines and myself do. I also want to apologize for prolonging your Friday afternoon, but I was glad we had a chance to debate this.

Some people say, why am I helping the hospitals. I have got a bill coming up in a couple of weeks that is probably just as bad as hospital cost containment. It is An Act to Require that Proceedings of Nonprofit Hospitals Be Open to the Public. If you think they hate hospital cost containment, they hate that one worse.

I am speaking for the hospitals today because 32 out of 42 hospitals have indicated they can't do this, it is going to be very difficult to do it.

We talk about the small person in today's world and we talk about the little guy, well, I have got to admit that we have had a lot of discussion about that. You know, my mother is a nurse, and I am against it and I have talked about it with her and she doesn't understand where it is coming from either. Representative Pines is a nurse and she is also against the way it is being presented today.

We talk about the little person—getting back to the little person. What about the dietitian? As most of you know, I spent 10 days in the hospital two years ago and that dietitian was more important to me than the nurse. I kicked the nurses out everyday. They scared the living daylights out of me. Every time they came in I said, oh my gosh, something is happening. The dietitians, I think, are important. I think the person who sweeps the floor to make sure you have a clean room, they are important too. Let's face it, they might not have gone to school for four years or three years, but I think that person is awful important.

One of the things that was brought up a

week ago today in a seminar that we in Health and Institutions attended was this exact question, and it was brought up by none other than the lobbyists for the nurses who are right outside and probably throwing darts at me if they could, but that question was brought up, it was brought up to Hal Cohen, and he is the chairman of the Maryland Commission that we are trying to form here in Maine, and he presented the fact that nurses aren't the only specialty in the hospitals nowadays. They don't do it apparently in Maryland, because he didn't say anything and he didn't feel it was necessary.

I hope you will take a good strong look at this and I do apologize for you getting all these nurses' phone calls and I have gotten them also, and I hope you will go with the gentleness from Limestone, Mrs. Pines, and reconsider.

The SPEAKER: The Chair recognizes the gentlewoman from Limestone, Mrs. Pines.

Mrs. PINES: Mr. Speaker, Ladies and Gentlemen of the House: While on the surface this might appear to be a very simple matter, determining the number of nursing hours actually extended on any given patient is a major undertaking in any one of our 42 hospitals.

I will attempt to be brief because I know it is Friday afternoon. Such an analysis done by the group systems engineers reveals that a development of a management informational system, including a patient acuity study which would be required, is estimated to be \$40,000 for each hospital. In order to implement such a management information system, it is estimated that 21 hospitals would have to buy additional hardware, micro-computers, and the remaining 21 will have to make modifications to current software to maintain and begin collecting such information at a cost of approximately \$336,000. To maintain such a system would require the allocation of part-time registered nurses; the nurses' responsibilities would include the proper monitoring of the system to insure accuracy of data collected. Based on current wages, including fringe benefits, the estimated cost could be \$420,000. These total costs, \$1,956,000.

Both Representative Hayden and Representative Nelson identified this as a hospital cost containment item—let us hear it with our cost containment bill.

Mr. Speaker, I would request a roll call.

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

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I put in a similar bill, it went before another committee, and the same amendment was proposed at the hearing. There were representatives there from the hospital associations and at no point in time did they ever tell us or indicate to the committee, even though the committee questioned them, that there would be these kinds of costs associated.

You saw me walking around the halls of this House for almost three weeks with my arm in a sling. I happened to go to the Waterville Osteopathic Hospital for treatment and when I did get my itemized bill from that very small hospital, included was a line—attending physician cost, with an amount attached to it. If a hospital of that size can do that for their patients, I believe that every hospital in the state can do it. I ask that you accept the amendment that has been proposed.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: As my former colleague from

Brewer used to say, "very briefly, because the hour is late"—in trying to assess these questions of the possibility of a hospital being able to arrive at these costs, it occurs to me that when you pay your daily per diem charge for being in the hospital, computed into that is the cost of nursing care. It would seem to me that if they can compute the cost in, they could compute it out in order to give you a statement.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Limestone, Mrs. Pines, that the House reconsider its action whereby the Bill was passed to be engrossed as amended by House Amendment "A". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney, Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Conary, Connors, Curtis, Davis, Day, Dexter, Foster, Greenlaw, Gwadosky, Holloway, Jackson, Kiesman, Lebowitz, MacBride, MacEachern, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Melendy, Murphy, Paradis, E.J.; Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Swazey, Walker, Webster, Wentworth, Weymouth, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Bott, Brannigan, Brodeur, Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dillenback, Drinkwater, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Ingraham, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, Matthews, Z.E.; McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, J.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Pouliot, Reeves, P.; Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Benoit, Brown, A.K.; Brown, K.L.; Dudley, Higgins, L.M.; Jacques, Jalbert, Lewis, Livesay, Macomber, Mahany, Mitchell, E.H.; Moholland, Parent, Strout, Willey.

Yes, 57; No, 76; Absent, 16; Vacant, 2.

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

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker is the House in possession of Bill "An Act Relating to Business, Travel or Recreation on Sunday" (S. P. 29) (L. D. 84)

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. BAKER: Mr. Speaker, having voted on the prevailing side, I now move reconsideration whereby the House voted to recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Baker, moves that the House reconsider its action whereby it voted to recede and concur.

On motion of the same gentleman, tabled pending his motion to reconsider and specially assigned for Monday, April 11th.

Mrs. Beaulieu of Portland was granted unanimous consent to address the House.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: We had a two-day debate here, not too long ago, concerning the employer requirement of a physician certificate if the employer required it prior to permitting an employee to return to work. I wish to read into the record, especially for your information, the latest development concerning

that issue. The Chair of the Labor Committee from the other body requested an Attorney General's opinion on that issue. The Attorney General's opinion was issued April 5, 1983, and I would like to quote from it at this time.

"It is the opinion of this Department that 26 M.R.S.A. § 592, as currently written, applies to any employee who may be required by the employer to undergo a physical examination for any purpose. The 'examination' referred to in 26 M.R.S.A. § 592 must be read to include any sort of certificate of good health or physician's certificate which may be required by an employer for an employee to return to work.

26 M.R.S.A. § 592 currently provides,

"It shall be unlawful for any employer to require any employee or accepted applicant for employment to bear the medical expense of an examination when such examination is ordered or required by the employer.

"The clear language of this section leaves no doubt that it applies both to newly hired employees and to any other employees who may be required by the employer to undergo a medical examination.

"It thus appears that the legislative intent behind that section was consistent with its plain language: if employers require medical examinations to be given, they should bear the expense of such examinations both of new hires and of existing employees.

"The only remaining question is your concern that the word 'examination' may not encompass a physician's certificate which an employer may require. Such a distinction would fly in the face of common sense. Any writing by a physician to certify the health of an employee has to be based on at least a cursory examination of some sort. Because 26 M.R.S.A. § 592 specifies that the cost of an examination must be borne by the employer if the employer requires the examination, a physician's certification of the employee's health would come within the scope of the statute."

While I have quoted only parts of the opinion for the record, I would be happy to provide copies of the entire opinion to any member who wishes.

The opinion is clear that the cost of an employer ordered physician's certificate is already clearly established to be the responsibility of the employer and not the employee.

(Off Record Remarks)

On motion of Mrs. Melendy of Rockland,
Adjourned until Monday, April 11th at nine o'clock in the morning in memory of Representative Mayo of Thomaston.