

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

Tuesday, April 12, 1983

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

Prayer by Father Paul Cote, Catholic Chaplain, Colby College, Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Create an Uncontrolled Site Clean-up Program and to Provide for the Removal of Certain Hazardous Waste from the KcKin Site in Gray, Maine" (Emergency) (S. P. 465) (L. D. 1419)

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

(The Committee on Reference of Bills suggested reference to the Committee on Energy and Natural Resources)

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

Bill "An Act to Amend the Laws Governing the Administration of Medications in Group Home Intermediate Care Facilities for the Mentally Retarded" (S. P. 466) (L. D. 1420)

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.

JOINT RESOLUTION to Ratify an Amendment to the Constitution of the United States to Provide for a Delay in an Increase in Compensation to Members of Congress Until an Intervening Election of Representatives has Occurred. (S. P. 469) (L. D. 1422)

Came from the Senate, referred to the Committee on State Government.

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

Bill "An Act to Provide Exemptions on Sales or Donations to State, any Political Subdivisions or the Federal Government under the Sales and Use Tax Law" (S. P. 467) (L. D. 1421)

Came from the Senate and ordered printed.

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

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning the Admissibility of Evidence under the Exclusionary Rule" (S. P. 150) (L. D. 441)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act Relating to Accounting Procedures for the Early and Periodic Screening, Diagnosis and Treatment Program" (S. P. 212) (L. D. 633)

Report of the Committee on Taxation reporting "Leave to Withdraw" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Municipalities to Exempt Watercraft from Property Taxation. (S. P. 282) (L. D. 847)

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Provide Confidentiality of Library Records" (S. P. 222) (L. D. 659) reporting "Ought to Pass" in New Draft (S. P. 472) (L. D. 1436)

Came from the Senate with the Report read and accepted and the New Draft passed to be

engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft given its first reading and assigned for second reading, Wednesday, April 13.

Ought to Pass in New Draft/New Title

Report of the Committee on Judiciary on Bill "An Act Concerning the Penalties for Vehicular Manslaughter and for Negotiating a Worthless Instrument" (S. P. 288) (L. D. 876) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Penalties for Negotiating a Worthless Instrument" (S. P. 471) (L. D. 1435)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft given its first reading and assigned for second reading Wednesday, April 13.

Non-Concurrent Matter

An Act Concerning the Guidelines for State Contract Process and Appeal of Decisions. (S. P. 437) (L. D. 1316)

Came from the Senate passed to be Engrossed as amended by Senate Amendment "A" (S-53) in non-concurrence.

In the House: On motion of Mr. Gwadosky of Fairfield, the House voted to recede and concur.

Petitions, Bills and Resolves**Requiring Reference**

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

Aging, Retirement and Veterans

Bill "An Act to Equalize the Years of Participation and Benefits Under the Maine State Retirement System" (H. P. 1098) (Presented by Representative McCollister of Canton)

(Ordered Printed)

Sent up for concurrence.

Agriculture

Bill "An Act Creating a Maine Milk Pool" (Emergency) (H. P. 1099) (Presented by Representative Hall of Sangerville) (Cosponsors: Senator Bustin of Kennebec, Representatives Dillenback of Cumberland and McGowan of Pittsfield) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Transfer to the Department of Mental Health and Mental Retardation Certain Program and Function Authority and Services to the Mentally Retarded" (H. P. 1100) (Presented by Representative Lisnik of Presque Isle) (Cosponsors: Representative Kelleher of Bangor, Senators Gill of Cumberland and Wood of York)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Relating to the Authority of the County Commissioners over the Operations of all County Offices" (H. P. 1101) (Presented by Representative Murphy of Kennebunk) (Cosponsors: Representatives Wentworth of Wells, Daggett of Manchester and Senator Wood of York)

(Ordered Printed)

Sent up for concurrence.

Orders

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

ORDERED, the Representative Nancy Masterton of Cape Elizabeth be excused April 11,

12, and 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard E. McCollister of Canton be excused April 14 and 15 for Legislative Business.

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

ive Ridley from the Committee on Public Utilities on Bill "An Act to Require Public Power Companies to Amortize the Cost of Disconnected Municipal Street Light Fixtures" (H. P. 563) (L. D. 713) reporting "Leave to Withdraw"

Representative Roderick from the Committee on Public Utilities on Bill "An Act to Provide for Uniform Fuel Costs for all Customer Classes of an Electric Utility" (H. P. 834) (L. D. 1071) 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

Representative Cooper from the Committee on State Government on Bill "An Act to Restrict Reimbursement of Mileage to Boards and Commissions to no More than that received by State Employees" (H. P. 1003) (L. D. 1311) reporting "Ought to Pass" in New Draft (H. P. 1102) (L. D. 1448)

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Wednesday, April 13.

Consent Calendar**First Day**

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

(S. P. 290) (L. D. 878) Bill "An Act Concerning the Operating after Suspension Law, the Habitual Offender Law and Admission of Identity by the Defendant"—Committee on Judiciary reporting "Ought to Pass".

(S. P. 233) (L. D. 675) Bill "An Act Concerning Dates for Harness Racing"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-51).

(H. P. 980) (L. D. 1281) Bill "An Act to Authorize the Public Utilities Commission to Hold Joint Hearings with Federal Public Utility Regulatory Bodies"—Committee on Public Utilities reporting "Ought to Pass".

(H. P. 981) (L. D. 1282) Bill "An Act to Remove the Jurisdiction of the Public Utilities Commission over Certain Dealers of Gas in Liquid Form"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-125).

(H. P. 151) (L. D. 159) Bill "An Act Relating to the Maine State Lottery Law"—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-127).

There being no objections, the above items were ordered to appear on the Consent Calendar of April 13 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. 548) (L. D. 700) Bill "An Act to Amend the Definition of Hospital in the Maine Health and Higher Educational Facilities Authority Act" (C. "A" H-124)

(H. P. 818) (L. D. 1058) Bill "An Act to Amend the Maximum Fee for Applications and to Clarify the Basis for the Annual Assessment of Financial Institutions"

(H. P. 859) (L. D. 1109) Bill "An Act to Amend the Motor Vehicle Racing Law"

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 to Extinguish Obsolete Mineral and Mining Rights" (S. P. 468) (L. D. 1414)

Bill "An Act to Remove the Sunset Provision for Home Health Care Providers in the Certificate of Need Law" (H. P. 611) (L. D. 759)

Bill "An Act to Amend the Probate Fees" (H. P. 714) (L. D. 905)

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 Require Campaign Contributions to be Reported in the Lobbyist Disclosure Law. (S. P. 456) (L. D. 1352)

An Act to Increase the Level of Compensation for Part-Time Deputy Sheriffs. (H. P. 247) (L. D. 294) (C. "A" H-103)

An Act Relating to the Nonliability of Physicians or Other Persons who Voluntarily Report Physical or Mental Impairments of Licensees to the Secretary of State. (H. P. 367) (L. D. 598)

An Act to Remove the Requirement that Certain Municipal Quasi-municipal Utilities Secure Approval of the Public Utilities Commission to Issue Short-term Debt. (H. P. 747) (L. D. 959) (C. "A" H-98)

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

Orders of the Day

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

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

Tabled—April 11, 1983 by Representative Gwadosky of Fairfield.

Pending—Passage to be Enacted.

On motion of Mr. Gwadosky of Fairfield, retabled pending passage to be enacted and tomorrow assigned.

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 11, 1983 by Representative Hobbins of Saco.

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

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: This is more of an administration bill although the judges fall into it. I am the only one that signed the "ought not to pass" report and I did it on the basis of information which I got and I hope somebody on the committee will tell us what is so good about this bill and what it is all about so you people can understand it. I would like them to explain to us what the effects are, what the cost is going to be and I will give them that chance right now.

The SPEAKER: The pending question is on acceptance of the Majority "Ought to Pass" Report.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you vote against acceptance of the Majority "Ought to Pass" Re-

port. With people not getting up to respond and say what it is all about, it brings about a different situation that I will take the time to explain to you what this is all about, and it is complicated. I am a little disgusted to see that the people that are so involved in this bill and think it is such a great bill won't get up here and say what the bill does.

This bill, ladies and gentlemen, 1415 is a redraft of L. D. 78. To make it easy to understand, all you have to do is look at L. D. 78. This bill deletes one word, and that is the way to look at it. Regardless of all this new writing they have put in the new draft, it doesn't mean anything.

The word "actuary" that they are trying to get out of the bill is what we are talking about. For those of you who don't know what "actuary" is, it is a complicated subject. On the other hand, actually what it is, it is a system whereby it arranges for insurances or pensions or annuities or any other programs that are provided later, that they have an actuary table based on the mortality rate and that is how you come to a situation like we have here.

The gist of the bill is that at present, under the present law, judges of the courts can retire at 65 years old, if they have the proper time put in, at three quarters of their pay. Let's assume, because we are fairly close to \$40,000 salaries, let's say they are at \$40,000 so it will make it easier to understand, they can retire at 65 with three quarters of their pay—that is a \$30,000 pension per year that they will get besides the other goodies, for a lifetime retirement, and when they die, their wife gets it plus an insurance policy paid by the state.

Actually what we have to look at in order to understand the bill and how it came about, I personally think from the information that I got, this is a self-serving bill put in for one person who, under the present system, would be allowed to retire today if he wanted to.

First, you have to realize that the judges in general are getting between \$38,000 and \$40,000 a year. When they retire with the proper qualifications that we have in the present laws, they get three quarters of their salary, and three quarters is about \$30,000 a year, this is about what they would get.

This particular system is non-contributory by the judges; they don't pay one cent for the pension that they are going to get later on, and some of them have drawn on these pensions anywhere from 10 to 20 years. They have not paid one cent and Maine is only one of nine states where the judges don't have to contribute to their own pension plan. On the health insurance, this is paid by the court system itself. The group life insurance, the judges are eligible. If I remember right, they have a life insurance which is the same as their salary, or close to it. They have all kinds of other little goodies which they are entitled to—one month off a year and little things such as bench books and all that stuff. I am not interested in that particularly.

What I am interested in and what I am against is the fact that if you take that word "actuary" in there, or if you pass this L. D. 1415, actually what you are doing today, you are making it possible for some people to retire at an early age after 20 years of service. The actuary tables are divided in such a way comparable somewhat to the system of the social security. If you retire at 62, you get much less. They are reduced from 65; it is based on 100 percent at 65 and it reduces down to 60. If you allow them to retire today at 60, why they don't want to retire is because they would only get \$20,892 in pension instead of the twenty-nine and some-odd thousand dollars they would get; this is why they don't retire. I think if they get \$20,000, it is a pretty good pension. How many of you people over here that are under the pension would get \$20,000 a year, non-contributory, never paid a penny in your life for that pension? This is what I am against.

If you pass a bill today and the thing were signed by the Governor today, these same people that are on the bench right now that are promoting this bill, you would be giving them this morning an additional check for \$9,000, boosting their pension from \$20,000 to \$29,000. Contrary to what has been said, not here but other places, there are about five or six judges right now that are eligible to retire this year and from this year on I have the figures but that doesn't matter. So what you are doing if you pass this bill, and I am assuming that there are five judges that would take advantage of this situation, you would be writing out a check for \$9,000 for this year in addition to what they are entitled to get. You would also be making a commitment to them for the additional five years, from 60 to 65 years old, for five people, which is another commitment that would total close to a quarter of a million bucks. This is what the situation is and I will give somebody else a chance to say something.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I sponsored this bill, which went before the Judiciary Committee, and I am somewhat surprised at the remarks made by the good gentleman this morning because he certainly isn't talking about my bill in relation to the evidence that he has presented here today, and I will tell you what this bill does. It makes it equitable for judges who reach 60 years of age to retire after 20 years, and if you will just listen to me for one moment, you will see where the equity is not.

At age 65, with 14 years' service, they can retire at full retirement. At age 70, with only 7 years' service, they can retire at full retirement. But if they are at 60 years of age, with 20 years of service, they can retire but at a reduced rate. Now, can you imagine the actuary system that we have—I was asked to put this in to clear it up—it says this. If a man or woman that has served in the judicial court for 20 years and reaches the age of 60 can get the exact same benefits of a person who is 70 years old and only served for 7 years, or a person who is 65 years old and only served for 14 years, this bill clarifies the fairness in dealing with the members who are on the judicial court.

I don't know where my good seatmate is coming from on this issue. That is exactly what this bill does and I want to repeat it again only for clarification. If you are 65 years old and you have only 14 years' service and if you are 70 years old with only 7 years' service, you would get more of a retirement than a man or woman who has served on the court for 20 years at 60 years old for retirement.

This bill relates to two judges possibly existing now, if they do choose to retire, one more in 1984, one in 1985 and 1986. Where he is coming up with this quarter of a million dollars only he and heaven knows because, believe me, I can't see it and I can somewhat read a balance sheet. This is strictly a bill that was put in to make it fair.

A man who has served on the court for 7 years and reaches 70 would get more than a man or woman who has served on the court for 20 years and reaches 60.

I ask the House to support the majority committee report, which was 12 to 1 "ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker and Members of the House: The good gentleman from Bangor, Mr. Kelleher, doesn't take into account that it is quite obvious that a person retiring at 60 is going to live and receive a pension for 10 years longer than the person retiring at 70, and an actuarial reduction was put in two years ago to assure that judges, after reaching 60, couldn't lose their pension. This was done to benefit the judges so they wouldn't lose the pension if they should retire at 60.

One other thing I would like to point out, if this passed, although they are not under the state retirement system, we would be giving this one class of employees of the state in 20 years what it takes every single member of the state retirement system 37 years to earn, and if that isn't discriminatory I would like to know what is.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I suppose Mr. Walker is correct when he says that some of these judges or a judge who retires at 60 or 65 will collect more than one who retires at 70. That may very well be true, but does that make it anymore fair? It is not fair, as Representative Kelleher has pointed out, for a judge to serve for 20 years and retire at a reduced amount, when someone who has served for 7 years can collect more in retirement, full retirement; that just simply isn't fair.

Also keep in mind that our judges are the lowest paid in the nation. To deny them this one benefit I don't think is going to spoil them.

Also, the argument that state employees must serve longer—well, this is true, but when are judges appointed? Judges usually don't start at 20 years old or 25 years old, they usually start after they have established themselves as an attorney, as a lawyer, and prove their credibility, their honesty and their ability to judge.

I would urge you—as Representative Kelleher has said, it was a 12 to 1 report—to accept the Majority "Ought to Pass" Report of the Committee.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I don't mind debating an issue and I don't mind losing, it isn't the first time, but I do mind when people get up and maybe to the best of their knowledge they say something which in fact is not so.

It was said here a little while ago, and it doesn't make that much difference, that a judge at 65, after 14 years of service, can retire. Well, if you will read the bill, it is actually 12, but it doesn't make that much difference.

You can talk all you want to about judges at 70 years old, but I have a list here of the judges, the day they were born, the day they were appointed a judgeship, the day they are entitled to retire, and there is nobody on there that will reach 70 years old, that has to wait until they are 70 years old in order to get this retirement, nobody. And I don't believe that any governor would put anybody on there, which would be most unfair, and let them draw a full pension for 7 years' service when you can get at least 20 years' service out of them. I don't think this is right, and I don't think what was said over here is true.

Another thing, there are one or two judges that would be eligible under this bill if you take the actuarial out.

Just take one court, in one court there is—and I won't use any names because you can get them yourselves—if you pass this bill, there is in one court judge that can retire this year, can retire anytime this year, there are four superior court judges that can retire if we pass this today. They can retire now if they want to, but they don't want to. They don't want to feel that they are taking an awful cut. Well, it is not a cut, you are giving them \$20,000 for nothing. I wish I could have worked somewhere where people would offer me that. I think I can contribute, and you can too, to any segment of a job that you take—you and I can't afford to buy this kind of a pension. Do you realize that the cost of a 30-year pension on an actuarial plan to guarantee you for 10 years \$30,000, \$300,000 is the full amount, at 8½ percent, which is the amount they use today, it would cost individually for every judge that we have, we have set ourselves into a position of giving him free in

surance, a free pension, to the cost of five to six thousand dollars per year—that is what the premium is. You call your insurance agent, you call your actuaries and let them tell you what it would cost to actually provide \$30,000 a year. And in passing, which is immaterial to me, if you have five or six thousand dollars for pensions, on the actuarial table today, we do have female judges, and just to show you one inequity, for the same amount for the same person, it costs us \$10,000 per year for female judges instead of male judges. Is this equality? You figure it for yourselves.

This is a system that we got into, and it is all right, give it to them if you want to, but just be aware of what you are committing yourselves to today, what you are committing yourselves to with the amount of money that is involved in this—hey, there is no cost on this bill whatsoever and I don't care what the cost is, because what happens is, they say the judicial system will pay for it. Sure, they do pay for it, but they come back next time and instead of asking us for \$800,000 for last year's insurance plan and insurance premium that the state has paid last year, over \$800,000 this year, they don't ask for it, it is automatic. This year's insurance for retired judges will cost over \$900,000. That is what it is costing you for nothing—you don't get any service out of them whatsoever. Why shouldn't we get 20 years of service out of them? Why shouldn't we get that extra five years of service like the others have given so well and so voluntarily for the last hundred years? Why should we lose five years of work from these people?

I am saying to you that you can look at the list, and today, if the governor were to sign such a bill, as is, and I know what the bill is about, you are committing the state to at least anywhere from a quarter of a million to a half a million dollars. I don't agree with that, I don't agree with the principle. If you want to treat everybody fairly, then treat the one that is 60 the same as the one that is 65. That is fairness. Let's not cut down too much because we don't even give some of our employees over here a measly raise, but some of us are willing to let them retire at 20 years of service, and this is what has happened, and that is the law.

By taking out that little actuarial thing—I am going to tell you that this is not the only bill that was put in here. This bill was put in here, ladies and gentlemen, by the sponsor and others, but you know something? When they found out that this bill was in trouble, a phone call was made to Lewiston and another bill was drawn up which says exactly the same thing as this bill—it takes out the actuarial part of it—it was put through this House and the other House and was sent to, of all places, the Committee on Aging, Retirement and Veterans, and they never went there before. I don't question the ability of that committee, but this is the kind of game that they are playing. You get a double standard in there so if one falls out, let's go for the other. In the meantime, the Committee on Aging, for one reason or another, and I have raised objections against it and the sneaky way that they have done it and they agree that they did it that way, it was "leave to withdraw." But the intent was there, the intent of the sponsors and the intent of those that this affects, it is a self-serving bill, a self-interest bill for some judge within the system. Mr. Kelleher knows who he is and a lot of others know who he is.

We didn't discuss this much in the Judiciary Committee because of the actuarial part of it which is so complicated; yet, if you take the time to do it, and if I had had the time and if we had considered it later, I would have explained it and why it should be a different way.

I think this is a bad bill and I hope that you vote against the motion of "ought to pass."

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

Mr. HOBBS: Mr. Speaker, Men and Women

of the House: For the Record, I would like to read a letter which I received today from Dana R. Baggett, State Court Administrator, dated April 11, 1983.

"Dear Representative Hobbins: To assist the House of Representatives in its consideration of L.D. 1415, it may be helpful to know how many judges and justices would be eligible to receive additional benefits if L.D. 1415 were passed."

"Only two members of the Judiciary are presently eligible to retire under the so-called 60/20 provision of present law, allowing judges to retire at age 60 or thereafter with at least 20 years of service. Only one of these judges has indicated to me that he would likely retire if L.D. 1415 were to become law. The likely impact of L.D. 1415 on the General Fund, if this judge were to retire, will be less than one quarter of a judge's pay (less than \$10,000) over and above the actuarial amount he is entitled to receive now."

"No other judge or justice is eligible to retire under this provision in 1983. One judge will be eligible to retire under the 60/20 provision in 1984, one judge in 1985 and one judge in 1986. Of course, these judges are eligible to retire in any event under present law, but the exact amount of their retirement benefit now is subject to actuarial determination, based on their age, mortality tables and interest rates at the time of retirement. L.D. 1415 will provide much-needed clarification of the retirement benefit amount."

I urge you to support the 12 to 1 Judiciary Committee Report of "Ought to Pass."

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, I ask for a roll call, and notwithstanding everything else that has been said, you are about to vote on allowing one class of state employees to have 75 percent after 20 years of service—75 percent of pay as a retirement benefit, instead of what everybody else in the system would have in the same time of 40 percent. The difference is giving them 75 percent instead of 40 percent that anyone else with 20 years' service would have.

Mr. Carrier of Westbrook was granted permission to speak a fourth time.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I got a letter from Dana Baggett too, and whatever he wants to say, he can play games and if he does, great, and if he doesn't, that is all right. You know, you can question some of these people.

I am interested in good administration within the court system. And you know something, if it wouldn't be so expensive, I would put out a letter every week to you people not from me but what the court system is as such. I think most of us, while we don't know what is what, we assume what other people say, we don't take time to read the laws sometimes, and I think it is an interesting subject to get involved in. But the fact is, regardless of what Mr. Baggett said about how many would retire, what is the word that he used—that these people are entitled to retirement—the word that he used is that somebody "indicated" that he might. Let's not hedge around; let's just talk about the ones that are entitled and could retire. I still say that if he claims what is said in that letter, he is wrong.

Actually, right now in the Superior Court there are four people that can retire within the year, it might be a month or two or three or four, and all I want is the truth.

Let me just quote to you a little sneaky thing which he put in my letter that is not the same as what Mr. Hobbins received. We consulted with an actuary about the present law, this and that. You know something, I could not find anybody that would tell me, if somebody retires at 60 years of age, what would be the difference in his pay if he retired at 65 at three quarters pay, which would be roughly \$30,000. I went around, I begged, I looked around, I

went to different departments, I called different people, and you know something, the people that will tell you truthfully what it is all about, they are very hard to find. The ones who know about it will tell you truthfully, but most of them don't know about it.

Actually, the letter that I wrote to Mr. Baggett inquired, what would somebody actually get at 60 years of age instead of 65, and here is the answer right here—he doesn't know and he said he couldn't find out. I found out and I will tell you who I found out from later on if I have to.

But I want to tell you one thing, we don't have to go outside of this House here, we have people with talent in this House, whether you recognize it or not, and we have people that are working for the good of the people, not for some self-interest such as the judicial system.

I didn't ask his permission, but I want to point to a man in this House, who is a member of this House, who knows what he is talking about, and whether he talks about what I say or not, I don't care, but at least he will tell you the truth if he wants to get up here today, and that is Mr. Perkins, one of the very few people in this House, one of the very people in this state that are actuaries. That is a long study and a very complicated one and people that actually complete the whole thing have to be commended. But Mr. Perkins is not the one that I actually consulted with because I didn't even know he was an actuary.

You have a retirement book on you desks somewhere which was given to us, a little red covered book, you look in there and it says "actuary for the Maine Retirement System." That is Mr. Towne in Yarmouth, I believe, and that is the man that gave me the information. Don't challenge what I said, challenge his figures if you want to. He is an actuary—you challenge his figures.

The thing is, that cute little thing about the letter from the Administrative Court Officer, Mr. Baggett, you get this note, this just gives you an idea of what to expect later on. "If the judicial pay increases at a modest 6 percent, compounded over the next five years, a judge eligible to retire today at the age of 60 with 20 years of service would be eligible to retire in 1988, at the age of 65, at three quarters of a projected salary of \$55,868, or \$41,000 in pension." Can you imagine that? This is supposed to be a state where we have a lot of poor people—we do have a lot of poor people.

I could go on forever, but a roll call has been asked for and so that is it.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I think it is a question of whether the bill is equitable or not. I think we all know that the judges take reduced pay to be a judge, and I think you have to keep that in the back of your mind.

I have seen the figures that my good friend Mr. Carrier has, and his figures assume that everybody is going to retire at 60 with 20 years of service. I hardly believe that that will be true.

This is a pay-as-you-go system and in the pay-as-you-go system, the only cost you will have will be in future years. In my opinion, this bill will cost a little, it will cost between 10 and 15 percent over time; you won't feel it in the next two years, you won't feel it in the next five years. However, I think you have to offset that with what we are trying to do.

There are plenty of groups in this state that can retire long before 60 and get a lot more money than these judges will. I will just give you the state police as a good example.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I hope you will be conservative enough this morning to not see fit to increase—this is an increase, as you have already been told and it doesn't really affect us

today, but some of the young taxpayers today that are having a hard time, it looks to me like down the road three or four years they are going to have just as hard a time. So I hope you will be considerate of these people that sent you here and our taxpayers who have to bear the burden of this, not me, because I soon won't be a taxpayer.

I would also like to ask a question of the Judiciary Committee, if we are having a hard time at this time, or it is difficult to employ judges in this state, in other words, when we have a vacancy, are we having a hard time to fill these spots? If we are, we may have to raise the pay, but in my opinion, they are climbing all over each other for these jobs, and as long as it is that way, I don't see any particular need of paying them extra money. We have other areas where we do have a problem hiring people and do have to come up with extra pay, and that is the way I believe in doing business. I don't believe that it is a problem; if it is, I would like to have the committee tell us that they are having a hard time to find these people today.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: We have gone on and on talking an awful lot about actuaries, the good of the state, the interest of people, letters that say one thing and then another, and before we vote on this bill, before we decide whether or not this bill should give a certain and new kind of consideration to judges, people who change their careers in the midstream of their professional life, before we decide whether or not this is a bill that won't make it easier to get judges but will get judges that are experienced, who have developed as professionals on their own, let's just take one more look at what the facts of this bill are.

I just refer you to the statement of fact on the bill, talking about this new draft. If it is passed, if we accept the 12 to 1 majority committee report, the bill will allow members of the Supreme Judicial, Superior and District Courts, retiring at the age of 60 years, with 20 years' service, to receive the same benefits as a member retiring at age 65 with 12 years' service. It seems to me that there is strong policy in favor of that, there is strong equity in favor of that. For those of us, including the gentleman from Westbrook, who are considerate and concerned about the good of the state and the good of the people of this state, I think this would strengthen our judiciary and makes us a stronger state and a more equitable state. That is why I think we all should vote for the Majority "Ought to Pass" Report.

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 Saco, Mr. Hobbins, that the Majority "Ought to Pass" in New Draft Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Allen, Andrews, Beaulieu, Bell, Benoit, Bott, Brannigan, Cahill, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Diamond, Drinkwater, Foster, Gauvreau, Gwadowsky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Hobbins, Ingraham, Joseph, Joyce, Kelleher, Kelly, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, McGowan, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Nadeau, Paradis, E.J.; Paradis, P.E.; Perkins, Pines, Ran-

dall, Reeves, J.W.; Richard, Roberts, Rolde, Rondoni, Small, Smith, C.W.; Soucy, Soule, Stevens, Tammaro, Telow, Theriault, Tuttle, Vose, The Speaker.

NAY—Ainsworth, Anderson, Armstrong, Bonney, Bost, Brodeur, Brown, A.K.; Brown, K.L.; Callahan, Carrier, Clark, Conary, Curtis, Davis, Dexter, Dillenback, Dudley, Erwin, Greenlaw, Holloway, Jackson, Jacques, Kisman, Lewis, Martin, A.C.; Masterman, Matthews, K.L.; McCollister, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, Nelson, Norton, Parent, Paul, Perry, Pouliot, Racine, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.B.; Sproul, Stevenson, Stover, Strout, Swazey, Thompson, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Baker, Brown, D.N.; Carter, Connors, Higgins, H.C.; Jalbert, Kane, Ketover, Mahany, Masterton, Murray, Reeves, P.; Ridley.

Yes, 77; No, 59; Absent, 13; Vacant, 2.
The SPEAKER: Seventy-seven having voted in the affirmative and fifty-nine in the negative, with thirteen being absent and two vacant, the motion does prevail.

Thereupon, the New Draft was read once and assigned for second reading tomorrow.

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

Bill, "An Act Relating to Business, Travel or Recreation on Sunday" (S. P. 29) (L. D. 84) In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-38) and House Amendment "C" (H-108) on March 31. In Senate, Insisted on its previous action whereby the bill was passed to be engrossed as amended by Committee Amendment "A" (S-38) in non-concurrence. In House, Receded and Concurred.

Tabled—April 11, 1983 by Representative Brannigan of Portland.

Pending—Motion of Representative Baker of Portland to Reconsider Receding and Concurring.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I would first request a roll call.

We are back again to the issue of Sunday sales where last week we voted to recede and concur. I said then and I say again that this is a vote where we are being asked to reconsider that vote this morning, and I urge you not to reconsider and to vote no on this motion. The recede and concur motion will allow us to have a very limited opening, four Sundays, five hours on each of those Sundays between Thanksgiving and Christmas when the inequities in this law are most pronounced.

Again, I ask you to vote to recede and concur by voting against the pending motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House not to follow the lead of the good House Chairman on Business Legislation but do reconsider its action where we receded and concurred with the other body.

This bill is without question a very controversial issue to all of us in this body. Some members of this body put amendments on and thought that it would make it easier for others to accept. The amendments that were put on went over to the other body and, as usual, the other body is flexing its muscles upon this House again this week.

I urge the House to reconsider its action where we could go back to where we were before and then we could sustain the position of this House and try to sit down and talk with the members of the other body to work out a reasonable agreement.

As the good gentleman from Portland stated,

he wasn't very happy with this bill but it was a working compromise coming out of his committee. I believe Representative Brannigan stated before that he would just as soon not have seen the bill but, nevertheless, we are here today again discussing the issue that has been talked over a great many times in this House in the past weeks.

The thing that bothers me more than anything now is the fact that two decent amendments that were put on by this body, supported by the majority members of this body and were taken off, and if I could tell the House that the vote was 15-14 on the motion to recede with this body, I would, but obviously I can't, and if I could tell this House that it took a tie to kill the actions of this House and the other body and I could elaborate on it, I would, but obviously I can't, so I would just say that there is strong support in the other body, if you could look at the record it would indicate that, and just because a tie vote ended in destroying the position of this House on an amendment, I don't think we should succumb to that body's efforts.

I urge the House or reconsider its action where we receded and concurred and then for once, perhaps, we could stand united in discussing the issue in a Committee of Conference, if we could ever get to that, very squarely, very soberly, with the honorable members of the other branch.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: First I would like to point out that I am speaking as the gentlewoman from Vassalboro, from District 50, not as a Majority Floor Leader. I would like to say that probably I disagree with both the gentlemen in the back and yet I agree with them on some points: (1) I hope you will vote to reconsider, not because I want us to go to a Committee of Conference but because I think this House should stand up and be counted on the issue that we voted for in the first place. I do not believe that we should be intimidated by a group who wants Sunday sales but who is unwilling to put in an amendment which simply offers a modest measure of protection for the men and women who are going to be working in those stores on the four Sundays before Christmas.

I spoke to you before about my strong belief in making that work voluntary. I think the time and a half issue that was put on is so modest, you are talking about a total of 20 hours because we are talking about these particular stores for those specific Sundays, a very special cost in and of itself. I do not believe that this body, Republican or Democrat, should be intimidated by saying that this whole bill is going to fail if we refuse to go along with what we know is against the best interest of the working men and women of Maine.

I urge you to vote to reconsider, not to go to a Committee of Conference, but then to adhere because our position was right and I think those people who are sincere about wanting Sunday sales would certainly go along with such a modest change.

It has been said that those of us who want the amendment are trying to kill the bill. I think you can talk to anybody that I have talked to through this entire debate, I have never tried to kill this bill, but I do think it is important that we make it a bill of conscience and this simple amendment that we put on in the first place is right.

Please vote to reconsider and then let's move to adhere.

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 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 having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I hope today that you will vote to reconsider our actions whereby we receded and concurred and I hope that you will not let the strong lobbying group that has been lobbying in the hallway influence your vote. This is one of the items—I really shudder when I see high powered lobbyists out there trying to convince members of this body to support them and I don't think that is the issue. I think you should vote based on your conscience. Do you feel that we as a body should adhere to our previous motion whereby we added on two amendments, which I feel were very apropos, because one of the biggest objections that we had when we heard this bill was the fact that people would be required to work on Sunday. I don't think anyone in this House would like to work on Sunday, and those people are human beings, so I hope you will vote to reconsider our actions.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: If you want to drag this out, you keep dragging it out, it doesn't seem sensible to me. The people that are lobbying me are the people back home. They are the people who want Sunday opening, and for four days you are going to make a big labor issue over time and a half. Anybody is happy to work on Sunday. We have people now looking for work and they are just delighted to have an opportunity to do so. I think if you want to save this bill, you had better vote for it and not reconsider.

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

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I hoped that I wouldn't have to get up on the floor this morning but I think I have to in rebuttal to some of the words that I have just been hearing. I certainly would like to be on the opposite side of the table from the people who want this situation here this morning. It seems incongruous to me that we are talking about something that somebody else wants. They are coming to us, and instead of us saying to them, here's the way we go, we are listening to these people. I think it is about time we took a stand and said, just a minute, you came to us and we are going to do the best we can under this situation and if need be we will have some amendments to this L.D. and put it in its right perspective.

I don't think anybody is going to be falling over one another to try to get the chance to work on Sunday. If they have to work on Sunday, for heaven's sake, let's give them just a little bit more. Let us, the House, this morning control the situation and not the lobbyists and the other people on the outside.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Portland, Mr. Baker, that the House reconsider its action whereby it voted to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Beaulieu, Bost, Brodeur, Carrier, Cashman, Chonko, Clark, Connolly, Cox, Crouse, Crowley, Diamond, Gauvreau, Greenlaw, Gwadosky, Handy, Hayden, Hickey, Hobbins, Ingraham, Jacques, Joseph, Kelleher, Kelly, LaPlante, Lisnik, Locke, MacBride, MacEachern, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; McGowan, McHenry, Michael, Michaud, Mitchell, E. H.; Nadeau, Parent, Pines, Racine, Richard, Roderick, Rolde, Scarpino, Smith, C.B.; Smith, C.W.; Stevens, Strout, Theriault, Tuttle, Walker, The Speaker.

NAY—Armstrong, Baker, Bell, Benoit, Bonney, Bott, Brannigan, Brown, A.K.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Conary, Cooper, Cote, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Hall, Higgins, H.C.; Higgins, L.M.; Holloway, Jackson, Joyce, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Livesay, Macomber, Martin, A.C.; Maybury, McColister, McPherson, McSweeney, Melendy, Mitchell, J.; Moholland, Murphy, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Randall, Reeves, J.W.; Ridley, Roberts, Rotondi, Salisbury, Seavey, Sherburne, Small, Soucy, Soule, Sproul, Stevenson, Stover, Swazey, Tammaro, Telow, Thompson, Vose, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Brown, D.N.; Carter, Connors, Jalbert, Kane, Ketover, Mahany, Masterton, Murray, Nelson, Reeves, P.

Yes, 59; No, 79; Absent, 11; Vacant, 2.

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

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

An Act to Prohibit Hazing at Post-secondary Institutions (H. P. 1023) (L. D. 1324) — In Senate, Passed to be Engrossed. — In House, Passed to be Enacted.

Tabled—April 11, 1983 by Representative Kane of South Portland.

Pending—Motion of same gentleman to reconsider Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Small.

Mrs. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will reject reconsideration of this bill. We have had debate on it two other times. I am, however, prepared to debate it a third time should need arise, but I hope you will move against reconsideration so that we can finally send this down to the other body.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Since we are waiting for the roll call machine to clear, I guess it would be a good time to say a word or two.

I would urge the House to reconsider at this time our action of last week where we enacted this bill by five votes. I have an amendment that I would like to offer and I would like to have the opportunity to offer, and I cannot do that unless we reconsider, so I would urge you to reconsider.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from South Portland, Mr. Kane, that the House reconsider its action whereby the Bill was passed to be enacted. Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 61 in the negative, the motion did prevail.

On motion of Mr. Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-126) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain the intent of House Amendment "A" and I would like to acknowledge and thank you for the opportunity to allow this amendment for your consideration.

This bill has been debated a couple of times and I would apologize for getting on my feet a third time to debate it; however, there are

times, I guess, when you are serving in this legislature when you feel so strongly about something that you just have to speak again and I am sure that those who feel the opposite will be speaking also.

The bottom line in this bill that we are passing, I think, has to do with responsibility and liability. Last week, this House saw fit to enact a bill to prohibit hazing, we enacted the bill by five votes, and the intent of the bill was to allow colleges and universities to adopt rules and regulations to prohibit injurious type of hazing from happening on or off campus. I had some problems with that. I didn't feel that it was a proper role for us to be playing. I have questions on the liability that we are placing on our small colleges, concerned about the effect of a law suit which may cause a college to go under. I think there are other ways to do this, but the House, in its wisdom, saw fit to pass that legislation and as much as I opposed it, I also believe that the majority rules and it is in that light that I offer this amendment today.

The bill that we passed on Friday required that schools adopt rules and regulations to prohibit hazing which occurs on or off campuses. I have some problems with our being realistic on whether or not schools are going to be able to enforce anything that happens off campus. I also have concerns about the liability. God forbid, I think we mentioned last Friday, if a person does get injured or does get hurt, the passage of the original bill would have opened the door wide open for law suits for these schools and colleges. So, if a person does get hurt, rather than suing fraternities, the door is going to be wide open now for them to sue the college or university.

People may stand up here today and say, well they can do that already and it is true. The lawyers I talked to say that you can sue anybody anytime, at least you can try. My concern is that in this bill passed last week, we are opening the door wide open for them to automatically go after a university for not enforcing these rules and regulations which we are mandating that they put on these colleges and campuses.

The amendment which I am offering today is House Amendment "A" to the bill, and the amendment simply limits the application of this legislation to the activities which take place on the campus. In other words, we would be requiring schools to adopt rules and regulations to prohibit injurious types of hazing which take place on campus. I think it is realistic, I think it is fair. I am concerned, once again, about the enforcement of having schools and one administrative officer, as it says in this bill, being responsible for enforcing that hazing doesn't take place off campus. I think it is unrealistic for us to expect that they are going to be able to prohibit these things from taking place off campus. I don't think it is a position we want to put schools in.

I understand the desire of the legislature this year to make a statement that we want to be able to put some sort of handle on hazing. I believe that this is the first step. It is a statement of the legislature that we are concerned about the type of hazing that is going on but we are also being realistic about how it is going to be enforced.

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

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: That amendment that is now on your desks is also one that we discussed at great length in committee and it was agreed by the majority of the committee that that amendment would more or less gut the bill and so we voted against it in committee.

Several questions have been raised concerning the college and university's liability should this law take effect. Rest assured, should a death or injury occur tomorrow, the colleges in Maine are just as liable without this law and indeed maybe more liable without it.

Twenty-eight deaths have occurred on college campuses in the 10 years, from 1971 to 1981. Many I have related to you in previous debates. Of these deaths, nine resulted in civil suits to recover damages. Many states had no law on the books and yet these universities and colleges were sued. Three of the nine cases were settled out of court, ranging from \$20,000 to \$100,000. Two suits led to criminal prosecution.

Eileen Stevens, founder of CHUCK, Committee to Halt Useless College Killings, brought a \$64 million lawsuit against Alfred University, the fraternity and its four officers. They settled out of court but the suit was brought before New York enacted its anti-hazing statute. Since the death and lawsuit, New York has enacted a similar piece of legislation placing the responsibility for outlawing hazing onto the administrations of the colleges and universities.

The kinds and types of liability which might arise out of hazing are both civil and criminal and lend themselves to the kind of prosecution the general run of criminal and civil cases involving students often follow.

In the last dozen years, tort claims have been brought by students in the following situations: Attack on female in the dorm, airplane death involving athletes, basketball, chemistry class, class outing, fall on ice, infirmary injections, etc.

That is to say that although there is no statute protecting students from chemistry class or falls on the ice, the university or college has a responsibility to provide for the safety of the students. If they fail to do this or do not make a good-faith effort, they are liable under the law.

If our universities and our colleges are liable now for injuries caused by hazing, then they could only benefit by having in place a responsible mechanism which defines hazing, prohibits hazing and punishes those who, against the law, practice hazing. If the college makes a good-faith effort to enforce its regulations, then it is fulfilling its responsibility to ensure the safety of its students and would be much less likely to be found liable than if it ignored the problem and pretended hazing did not exist.

In answer to Representative Brown's ever persistent question: "Are there any incidents of hazing now being practiced in Maine?" I can answer yes. I spoke to two graduates of the university system this morning, one a fraternity alumnus, and he said his fraternity practiced paddling, which in documented cases has caused kidney failure death. They practiced a little rite of throwing pledges in the river, I guess in celebration of their induction into the fraternity and they practice mandatory liquor consumption, requiring pledges to drink quantities of liquor from the traditional fraternity drinking vessel.

The other student, a non-fraternity member, who worked on the campus newspaper recalled an incident where three pledges were required to eat a large quantity of onions. All became ill and had to go to the infirmary.

Now, limiting the anti-hazing legislation to on-campus activities does two things: It tells fraternities who practice injurious hazing that they can't haze on campus but they can off campus.

It also takes away protection for pledges who are blindfolded and taken in a car and dropped off in the middle of nowhere in the middle of the night and told to find their way back. Numerous deaths have resulted from this practice. It would not protect students like Chuck Stenzel who was put in the trunk of a car and told to finish a pint of bourbon and a fifth of wine before he was brought back to the fraternity. He did and he died.

No one expects the university to follow the students off campus to keep tabs on them, but it is only right that if a hazing incident off campus comes to the attention of the administra-

tion of a college or university, there should be an investigation, and if found guilty of hazing, punishment should be meted out.

I hope you will agree that hazing on or off campus cannot be tolerated.

The national association of student personnel administrators adopted a resolution in 1981 which stated in part: "Resolved, that NASPA asserts its abhorrence of hazing in any form and supports prohibition of such pre-initiation and initiation practices."

I think there are four questions that you must ask yourself before you vote for or against this bill: (1) Is injurious hazing going on right now that may result in a serious accident or death? I think most people presented evidence that yes, this is going on. (2) Does hazing or any forced brutality have any place on our college campuses? Is there any benefit to be gained by hurting young men and women? I hope you will all agree that no, there is not. (3) Does the state have the right to insist colleges and universities prohibit hazing practices? I think the state does have a right to ensure the safety of their students, their young men and women. (4) Does a law which the university makes a good-faith effort to enforce and support make the university more liable than non-compliance and no law? I don't believe that it does.

I hope that you will reach the same conclusions many administrators, fraternity and sorority alumnus and national Greek organizations have reached and vote once again in favor of this legislation as it is now.

I, therefore, move indefinite postponement of this amendment and ask for the yeas and nays.

The SPEAKER: The gentlewoman from Bath, Ms. Small, moves the indefinite postponement of House Amendment "A" and requests a roll call.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: If we accept this amendment, we will scuttle the bill, so if you vote that way, you will be not in favor of this hazing legislation.

Fraternities and sororities must have college approval to exist on college campuses. A college has the responsibility for running fraternities and sororities and the only way they can do away with hazing is to have the power of this bill.

We had some discussion the other day that parents and students want their children to attend college where hazing takes place. To this I simply answer, ridiculous. The L. D. gives colleges and universities the right and a little power to control the ridiculous activities of secret societies on public campuses. This L. D. will prohibit a few animal-house type people from doing the bizarre things to the minds and bodies of decent college students.

I think we ought to go with this bill and do away with this amendment.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: I rise today to oppose this amendment for the simple reason that what this amendment will do is, it will take it off the college campuses and bring it into the inner towns, the small towns and cities in which our post-secondary institutions are.

This amendment opens up the bill and allows an organization to possibly rent a hall or go to a pond or a lake and carry on their hazing activities there. I submit to you that it is much better to have those organizations on campus where they can be seen and observe what they are doing.

I would urge you to oppose the amendment and we can send this bill on its way.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

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

tleman of the House: If I were a college administrator, I would not very much like to have the responsibility nor the liability for anything which any student does off the campus, including those who are in fraternities.

I urge you to support the amendment.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: So far on this bill to this point, we have been talking about the legal responsibilities, i.e., the bill itself, and the possibility of occurrences. There is another factor at this point which has been totally ignored and that is the psychological treatise position of individuals that allow these occurrences to happen because, in fact, there are three factors involved. There is either the institution or governmental regulation or lack thereof that allows the situation to occur. There is a psychological predisposition of the individuals that allows the concept of the situation to enter their minds and be created. Then there is the random combination of physical occurrences that allow something to happen.

We can deal with the institutional part of it. We can't deal with the random part of it, and to this point we have paid no attention to the psychological part of it.

The first thing we have to do is look at our society to see what kind of treatise position is created in the individual towards institutions and social organizations. Our society is one that is basically formed in a higher hierarchical pyramid structure on an authoritarian base. It is a very effective system, it is very rigid on the outside but internally it is extremely flexible in most of our,—both governmental and social agencies accept this form of structure. While it is very good in many instances, it also creates certain problems by creating psychological predispositions in individuals. These problems have been well studied and well documented and a lot of them, the results of these studies, are contrary to what common sense would tell you they would be. I would like to elucidate some of them for you.

First you say, what is hazing? Some people say it is initiation and is an initiation but also serves a second purpose, it serves a psychological para-binding between an individual and an institution, the thing we commonly call loyalty. Dr. Fessinger, in his study on Cognitive Dissonance, is specifically dealing with this problem and with the problem of severe initiations and why people put up with them, why people don't just opt out and leave. What he found was that individuals, when involved in severe initiations, there is an internal dissonance that is created between what they are doing and what their attitudes tell them they should be doing. Most of them don't like the severe initiation, so in order to compensate for that, they place an undue importance upon the viability of the institution, i.e., this initiation, this hazing is very difficult, therefore it must be very important or very good for me to belong to this institution because if it wasn't, it wouldn't be so hard to get into it. That creates a situation that allows the individuals that are in control of the hazing to do things or to force people being hazed to do things that are beyond the realm of reality in many instances without any over-complaint or objection from the individuals involved.

People also say that these hazing procedures are set up by groups, by committees, and if you talk to the individuals, no one has any intention of doing any harm to anyone. I have no doubt that that is true, but there is other evidence in studies by Kogan and Wallach from the American Journal of Abnormal Psychology documenting what is known as the risky shift phenomena. The risky shift phenomena very definitely confirms the fact that groups of people making decisions, especially decisions that do not immediately affect them, tend to make decisions that are much more risky than

any one of those individuals as an individual would make. So now we have a situation where we have a bunch of willing subjects and an organization that because of its psychological predisposition may be unconsciously making decisions that are beyond the bounds of acceptable behavior.

We travel down a little further to the Zimbardo study on the authoritarian personality which very clearly illustrated it was a prison study although it wasn't done in a prison, it was a mock study done at a university with college students. The students were randomly selected to be either guards or inmates with no control on their activities other than a general rule about what guards and inmates were supposed to do.

The results of this study were so shocking that the study was halted in mid-stream because the organization of the guards, the people in power, which actually had no power, and college students working in a laboratory became both physically and emotionally and psychologically abusive to the extent that the health and well being of the group of individuals playing inmates were places in very real hazard. This situation can be directly translated to the situation that exists in a hazing program in a fraternity.

The last study that I want to quote, probably the most important study, is a study that was done in 1983 by a man by the name of Milgram and it involved obedience. As we all know, in our society obedience is one of the prime factors for the proper functioning of society. It is basically an authoritarian society and we all accept varying degrees of authority and varying degrees of obedience, depending on what our situation is. It is to the point that while we say we can question authority as some of the benefits of living in a free society, that is true in a sense, but the only way we can effectually question authority is if we question it in a manner that is prescribed by that authority.

In the Milgram study, there was no formal manner prescribed to question the authority. The authority was just presented and the volunteer subject in the experiment was asked to obey—these, again, were college students. What they found was that by merely asking the student to do it, he was perfectly willing, out of obedience and respect to authority, to administer electrical shock to the point of death. In this experiment a confederate was used sitting in an electric chair, a fake electric chair, and the subject who was administering the shock could see the individual; the confederate screamed and begged and pleaded and in the end feigned death. In over 80 percent of the cases, the student subjects obeyed the person in authority, did not question it, and shocked that individual to a point beyond death.

The simple fact of it is, as our fraternities are currently set up, there is no existing avenue either to question the authority of the group proposing the hazing, controlling the hazing, and there is no means to interdict into the decision-making process to limit what degree that hazing would take. This bill would provide both of those, for the pledge to the fraternity or sorority who felt that the hazing was beyond the acceptable norm, the question would be there, the capability would be there to question that type of initiation. You would also be interdicting in the hazing process a regulation that says you cannot act in a manner that is dangerous or injurious to the physical, psychological well-being of the individual.

I have a great deal of faith in our college students. Most of them are intelligent, compassionate and law-abiding individuals; they don't willingly or knowingly act in such a way as to violate the laws. Because of psychological previous positions, because of other conditions, they may unknowingly act in such a way in a hazing procedure. With this law on the books, they would be aware of the fact of where the limits were made. I really don't think that the

enforcement of this should be a major concern, because, quite simply, I feel it will be self-enforcing. I have enough faith in our university students to feel that if they know something is illegal, something is wrong and if society mandates that it is such, that they are not going to willingly violate it.

In a few instances, to quote someone else, in an animal house situation that knowing violation may occur, I think that would be minor and I think that just having it on the books would provide sufficient controls to greatly reduce the possibility or the probability of any serious accidents that might occur during hazing. Accordingly, I ask you to oppose this amendment and to support this bill as originally passed for enactment.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As a former Greek and still a Greek, I guess once a Greek you are always a Greek—I just want to emphasize that there are some good things that fraternity brothers and sorority sisters do. I know when I attended college in that great town of Houlton that every year my fraternity put on a Christmas party for the town and children of the surrounding towns and it was something that the merchants of that town looked forward to. They donated money left and right so that the town children could have something. We put on many other functions, and I am sure that every other college campus in the state, the towns benefit from those fraternities and sororities.

I think we are going sometimes beyond the fact that fraternities and sororities are bad—I don't think they are bad, I think they are good. There might be some incidents where something like paddling might occur, sure it occurs, it occurred in my fraternity, but I think we have just got to remember that there are some good things about fraternities and sororities, and good relationships that you have held over the years. I just hope you remember that.

The SPEAKER: The Chair recognizes the gentleman from Washburn, Mr. Crouse.

Mr. CROUSE: Mr. Speaker, Ladies and Gentlemen of the House: I originally signed the minority "ought not to pass" on L. D. 1324 because I felt the college administrators could not enforce hazing or harassment off campus.

I was supportive of the bill to prohibit hazing on campus because it provided parameters for administrators to enforce this policy. Being a former college administrator, I would not want to be held accountable for activities taking place in Vermont, Boston, Canada, California, or wherever.

I urge you to support this amendment and make this a realistic law for the people of Maine.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: Very briefly. What Mr. Crouse is saying, let that university organization go someplace else and perform their various hazing acts and let them still exist on campus. This bill would give the administrators some latitude in saying to that organization—you are no longer allowed to be a qualified organization on this campus, and I think that is the crux of this bill and that is what is important, disallow that organization if they have hazing activities.

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

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I applaud Representative Small for presenting this bill this morning. Let's not water it down. The more years that go over my head convince me that we have to protect people from themselves. I feel very lucky this morning that my two boys got through college and are sound. This L. D. tries to do just that, protect people. I urge you to defeat the amendment and let Representative

Small's good work go on to enactment.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I don't suspect that we are going to change anymore votes on this bill, so I am going to sit down in just a second.

I think it is important to remember that we are talking about adults. For the most part, these people are 18. We are talking about adults who are presently attending colleges and universities, so let's give them credit, like Representative Scarpino mentioned, let's give them credit for being realistic and being able to be responsible for their own actions. They make a decision to join a particular fraternity or sorority of their own free will. Nobody is forcing them to join a particular fraternity or sorority anymore than later on in life they would be forced to join the Masons or the Knights of Columbus or the Eagles or the Elks. It is a decision of their own free will. I am not sure that the Legislature of the State of Maine has reason to protect people from themselves. They have made the decision to join this of their own free will, the Legislature has said that we want to have something on the books in regards to hazing, this amendment would allow that but it does so realistically rather than unrealistically, and I would urge you to oppose the motion to indefinitely postpone this amendment.

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 Bath, Ms. Small, that House Amendment "A" (H-126) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Old Town, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, I request permission to pair my vote with the gentleman from Livermore Falls, Mr. Brown. If he were here, he would be voting nay and I would be voting yea.

ROLL CALL

YEA—Ainsworth, Andrews, Armstrong, Bell, Benoit, Bott, Brodeur, Brown, A.K.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Conary, Connolly, Cox, Crowley, Curtis, Daggett, Davis, Dexter, Diamond, Drinkwater, Foster, Gauvreau, Greenlaw, Hall, Handy, Hickey, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Joyce, Kelly, LaPlante, Lebowitz, Lehoux, Lewis, Locke, MacBride, Macomber, Martin, A.C.; Masterman, Matthews, K.L.; Maybury, McPherson, Melendy, Mitchell, E.H.; Mitchell, J.; Murphy, Murray, Nelson, Norton, Perry, Pines, Randall, Reeves, J.W.; Ridley, Rolde, Rotondi, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Sproul, Stevenson, Stover, Strout, Swazey, Telow, Thompson, Tuttle, Webster, Wentworth, Weymouth, Willey.

NAY—Allen, Anderson, Baker, Bonney, Bost, Brannigan, Cashman, Cooper, Cote, Crouse, Day, Dillenback, Dudley, Erwin, Gwadosky, Hayden, Higgins, H.C.; Jackson, Joseph, Kelleher, Kiesman, Kilcoyne, Lisnik, Livesay, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Moholland, Nadeau, Paradis, P.E.; Parent, Paul, Perkins, Pouliot, Racine, Richard, Roberts, Roderick, Salsbury, Smith, C.W.; Soucy, Soule, Stevens, Tammaro, Theriault, Vose, Walker, Zirkilton.

ABSENT—Beaulieu, Carter, Connors, Jalbert, Kane, Ketover, Mahany, Masterton, Reeves, P.; The Speaker.

PAIRED—Brown, D.N.; Paradis, E.J.

Yes, 82; No, 55; Absent, 10; Paired, 2; Vacant 2.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-five in the negative, with ten being absent, two paired and two vacant, the motion does prevail.

Thereupon, the Bill was passed to be engrossed.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, is the House in possession of Senate Paper 160, L. D. 448, Bill "An Act to Provide for the Use of Major Credit Cards at Selected State Liquor Stores?"

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Madison, Mr. Richard.

The Chair recognizes the same gentleman.

Mr. RICHARD: Mr. Speaker, I move that we reconsider our action whereby we voted to indefinitely postpone this bill.

The SPEAKER: The gentleman from Madison, Mr. Richard, moves that the House reconsider its action whereby this Bill and all its accompanying papers were indefinitely postponed in non-concurrence.

The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not vote to reconsider this bill. It was debated well yesterday. I feel it is a bill that is directly related to alcohol consumption. The amendment states that there would be a net increase in revenue to the General Fund in the year 1983-84 of \$1,700,000, and in 1984-85, \$2,370,000, so I do feel that that really is going to increase our alcohol consumption.

I hope we will not make anymore problems than we already have. Let's not give the problem drinker an even greater problem by letting him or her charge liquor with their credit card.

We are working hard in this state on our drinking and driving laws and we are working hard to help those who are in trouble. I hope you will continue to help them by voting against reconsideration and I request a roll call.

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

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

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I hope that you will vote to reconsider the action. There will be an increase in revenue to the state, but that increase is not necessarily tied to increasing the consumption. There are many people who buy where it is most convenient to buy, they buy in modern stores that accept modern practices which are in other states, especially in our bordering state of New Hampshire. Our own liquor stores do not accept credit cards. You may, as you heard yesterday, buy beer, you may buy wine, you may buy individual drinks, and you may buy liquor by credit cards anywhere else in the state except in our more and more archaic liquor stores.

I encourage you to use this good business practice for good business in the State of Maine.

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

Mr. BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: There is one faction that

hasn't been mentioned. It seems to me that if we are making \$29 million a year on liquor and are spending \$32 million on alcoholic rehabilitation, if we increase our business we are also going to increase the money that we spend on rehabilitating alcoholics. There isn't any profit in it now and it will be less profitable in the future.

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: I didn't rise on this bill when it was first debated earlier, but I feel compelled to do so now. There has been a rather strong lobbying effort made on this bill, and I must concede that if this bill were enacted, I don't think it would open the doors to rampant alcoholism in the State of Maine. But I do view it as somewhat symptomatic of a change in attitude that we have regarding the control of alcoholic beverages in the State of Maine. I think we have to view this bill in tandem with other bills that are coming before us later on in the session that would propose to have the state transfer regulating alcohol consumption to agency stores and get out of the state liquor enforcement business. I think that is sending the wrong message to the public. I think we have seen, certainly in my area, in my city, in the last year or two we have seen the tragic effects of alcohol abuse, and I don't want to do anything to send a message to the public that we will condone or tolerate or encourage that use.

I simply cannot accept the argument that the sale of alcoholic beverages will increase revenues to the state; therefore, we should promote the sale. For that reason, I am going to vote against this.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Madison, Mr. Richard, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Andrews, Armstrong, Baker, Beaulieu, Bott, Brannigan, Brown, K.L.; Cahill, Carroll, G.A.; Cashman, Chonko, Conary, Connolly, Cote, Crouse, Dillenback, Erwin, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Ingraham, Jackson, Joseph, Joyce, Kelleher, Kelly, Kiesman, Kilcoyne, Lehoux, Lewis, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Richard, Roberts, Roderick, Rolde, Rotondi, Salsbury, Soucy, Soule, Stevens, Swazey, Telow, Theriault, Tuttle, Vose, Zirkilton.

NAY—Ainsworth, Allen, Anderson, Bell, Benoit, Bonney, Bost, Brodeur, Brown, A.K.; Callahan, Carrier, Carroll, D.P.; Clark, Cooper, Cox, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Drinkwater, Dudley, Foster, Gauvreau, Higgins, L.M.; Jacques, LaPlante, Lebowitz, Lisnik, Livesay, Locke, MacBride, Martin, A.C.; Masterman, Matthews, K.L.; McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Paradis, E.J.; Parent, Paul, Pines, Randall, Reeves, J.W.; Ridley, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Strout, Tammaro, Thompson, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Brown, D.N.; Carter, Connors, Jalbert, Kane, Ketover, Mahany, Masterton, Reeves, P.; The Speaker.

Yes, 73; No, 66; Absent, 10; Vacant, 2.

The SPEAKER: Seventy-three having voted in the affirmative and sixth-two in the negative, with ten being absent and two vacant, the motion does prevail.

The pending question is to indefinitely postpone in non-concurrence.

The Chair recognizes the gentleman from

Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker and Members of the House: I would hope that you would not vote to indefinitely postpone the bill so that it may go on to enactment.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do vote to indefinitely postpone this bill. We have a great habit in this House of quoting statistics, and I am also guilty of that.

The night before last, there was a young lady, 26 years old, who was killed in my home town of West Bath. The car went out of control and landed in the ledges. I know the family. When you do that, it ceases to be a statistic.

The officer investigating the accident said the cause of death was alcohol related and speeding. We do know that 80 percent of the suicides in this country are alcohol related. We could go on and one with causes. I think Mr. Gauvreau said it very well—let's not send out a message from this House that we are not interested in protecting people from themselves.

I hope that you will vote to indefinitely postpone this bill.

Mr. Clark of Millinocket requested a roll call vote.

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

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

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

Mr. BRODEUR: Mr. Speaker and Members of the House: Two points—there is a direct availability, direct relationship between the availability of the amount of alcohol with the incident of the disease of alcoholism; there is one point. As a second point—the critical point that can occur in an individual's recovery is at that point when that person loses the financial wherewithal or his job in order to purchase alcohol. At that point, the person may be forced to realize that he must enter into a recovery period or lose the support that he would need, the financial support he would need, to carry on the disease of alcoholism, where alcohol becomes more important than anything else, including his spouse, his job or even his own life, his or her own life. It seems to me that allowing credit cards to be used, even though there has been a good credit rating over the past that will allow somebody to continue drinking while the person is an alcoholic, to me that would be encouraging the continued use for some people that are committing slow suicide.

The SPEAKER: The pending question is on the motion to indefinitely postpone the Bill and all its accompanying papers in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Bell, Benoit, Bonney, Bost, Brodeur, Brown, A.K.; Callahan, Carrier, Carroll, D.P.; Clark, Cooper, Cox, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Drinkwater, Dudley, Foster, Gauvreau, Gwadosky, Higgins, L.M.; Holloway, Jacques, LaPlante, Lebowitz, Lisnik, Livesay, Locke, MacBride, Martin, A.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Norton, Paradis, E.J.; Parent, Paul, Pines, Randall, Reeves, J.W.; Ridley, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Strout, Thompson, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Andrews, Armstrong, Baker, Beaulieu, Bott, Brannigan, Brown, K.L.; Cahill, Carroll, G.A.; Cashman, Chonko, Conary, Connolly,

Cote, Crouse, Dillenback, Erwin, Greenlaw, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Ingraham, Jackson, Joseph, Joyce, Kelleher, Kelly, Kiesman, Kilcoyne, Lehoux, Lewis, MacEachern, Macomber, Manning, Martin, H.C.; Maybury, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Richard, Roberts, Roderick, Rolde, Rotondi, Salsbury, Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Zirkilston.

ABSENT—Brown, D.N.; Carter, Connors, Jalbert, Kane, Ketover, Mahany, Masterton, Reeves, P.; The Speaker.

Yes, 69; No, 70; Absent, 10; Vacant, 2.

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

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-50) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Mr. CONNOLLY: Mr. Speaker, is the House in possession of Senate Paper 451, L. D. 1372, Bill "An Act to Expand the Tourism Promotion Program?"

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of Representative Connolly of Portland.

Mr. Connolly of Portland moved that the House reconsider its actions whereby the Bill was referred to the Committee on State Government in non-concurrence.

On motion of the same gentleman, tabled pending his motion to reconsider whereby the House referred the Bill to the Committee on State Government in non-concurrence and tomorrow assigned.

On motion of Mrs. Mitchell of Vassalboro, the Chair laid before the House the following tabled and unassigned matter:

An Act Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses. (H. P. 110) (L. D. 117) (C. "A" H-26)

Tabled—March 7, 1983, by Representative Mitchell of Vassalboro.

Pending—Passage to be enacted.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: At the time this issue was tabled unassigned, it was the policy and is the policy of the House to try to get some reading of potential cost to Workers' Compensation for the future, and to arrive at that goal, Representative Diamond wrote to the Department of Business Regulation, the Bureau of Insurance, to ask for their assessment of impact on the workers' compensation system. I would like to read to you at this time the response from Ted Briggs, the Superintendent of Insurance, concerning L. D. 117.

"This bill would require a premium credit of not less than 8% for insureds with an annual payroll of \$200,000 or less and a 3 year loss ratio of 60% or less. With amendment H-26, which prevents insurers from recovering the premium credits through the base rates, the cost effect of this bill would be limited to the credits to eligible insureds. We do not know what percentage of premium is collected from insureds with annual payroll of \$200,000 or less, but I believe the overall effect of this bill, as amended, would be less than 2%."

I read this to you as a fiscal impact statement on this bill and we will continue this policy with all other bills relating to workers' compensation.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the

Senate.

On motion of Mrs. Mitchell of Vassalboro, the Chair laid before the House the following tabled and unassigned matter:

An Act to End Discrimination Against Chiropractic Services under the Workers' Compensation Law. (H. P. 268) (L. D. 328)

Tabled—March 7, 1983, by Representative Mitchell of Vassalboro.

Pending—Passage to be enacted.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Again in response to our question, Ted Briggs, Superintendent of Insurance, has this comment concerning L. D. 328.

"This bill would expand the scope of chiropractic services which can be provided to injured employees. The effect of this bill would depend upon whether the change encouraged increased utilization of chiropractic services, whether these services were in place of or in addition to other medical services, and whether such services resulted in earlier recoveries. We are unable to provide a cost impact for this bill. To the extent that L. D. 328 has either a positive or negative effect on losses, that effect would eventually show up in the data base and be reflected in the rates."

We also have a comment from Dick Johnson, Actuary from Property & Casualty Insurance, concerning L. D. 328.

"My letter of March 24th to Representative Diamond, Superintendent Briggs indicated that the effect of L. D. 328 would depend upon the utilization of chiropractic services, whether these services were in place of or in addition to other medical services and whether such services resulted in earlier recoveries.

"Of workers' compensation claim costs, approximately 20% is medical and 80% is indemnity. The expanded use of chiropractic services could impact on both these items. Generally, chiropractic treatment costs for non-operable injuries is less than that for other medical treatment. Also, we know that sprains, strains, back injuries, and other types of injuries which can be treated by a chiropractic make up a significant percentage of injuries. If chiropractic services are used in place of medical services, costs would decrease. However, if chiropractic services are used in addition to medical services, and there is no corresponding reduction in utilization of non-operable medical services, costs could increase.

"The other impact on costs would be to what extend chiropractic services would allow an injured worker to return to work sooner. Some studies have shown that average days lost is less where chiropractic services are used, but this may reflect the degree of injury and not the success of treatment. The Bureau of Insurance does not have information to evaluate the likely cost impact on indemnity payments.

"Because of the uncertainties mentioned above, the Bureau of Insurance is unable to estimate the effect of this bill on losses and rates."

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I move that L. D. 328 and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentlemen from Biddeford, Mr. Racine, moves that this bill and all its accompanying papers be indefinitely postponed. The gentleman may proceed.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: One of the biggest concerns that I had when this bill appeared before this body was the impact that it would have on cost, and the reason that I was concerned was that this bill would expand the chiropractic services that would be made available to anyone that might be injured on the job or

would seek medical attention under the workers' compensation insurance. Now, the letters that were read to you today do not and I repeat, do not agree or disagree as to whether or not there will be an impact on costs. It all depends on certain factors.

If you recall, this bill did expand the chiropractic services or chiropractic care that would be reimbursable under workers' compensation, and I still feel very strongly that this bill will increase the cost of insurance to the employer. I feel very strong about this and this is why I made the motion to indefinitely postpone this L. D. and I hope that you will support this motion.

I don't want to go over all of the factors that were discussed. I think you all remember vividly what happened and what the discussion was either from the opponents or proponents. This is to give you another chance to either agree or disagree with some of the concerns that have been placed before this body, so I would urge you to support the pending motion.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I believe the communications before you are appropriate. Those of us who support this bill contend that there will be savings, but we cannot promise you that. I believe that the communications are honest and to the point, but we don't know. And I am pleased and wish to thank leadership for using this approach so that we will all know where we are at whenever we are dealing with workers' comp bills.

Above and beyond the potential cost of savings impact is still the critical issue of there still being an inequity issue of whether or not state licensed professional deliverers of medical services should be treated differently from other recognized professionals in the medical field. The committee contends that that should not occur, that no injured worker should shy away from a provider of medical services on the basis that the treatment received may not be reimbursable. We contend that if the state is going to license chiropractors, if they are going to be recognized as professional medical deliverers, that they should be given the same rights as all other professions in their field.

Mr. Speaker, I would ask for a roll call on the pending motion and I ask all of you to vote no on the question.

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 Biddeford, Mr. Racine, 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, Bonney, Brown, K.L.; Day, Gwadosky, Holloway, Lehoux, Macomber, Manning, McPherson, Melendy, Parent, Racine, Reeves, J.W.; Ridley, Sherburne, Smith, C.W.; Stevenson, Wentworth.

NAY—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Hobbins, Ingraham, Jackson, Jacques, Joseph,

Joyce, Kelleher, Kelly, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Randall, Richard, Roberts, Roderick, Rolde, Rotondi, Salisbury, Scarpino, Seavey, Small, Smith, C.B.; Soucy, Soule, Sproul, Stevens, Stover, Swazey, Tammaro, Telow, Theriault, Thompson, Vose, Walker, Webster, Willey, Zirnkilton, The Speaker.

ABSENT—Brown, D.N.; Carrier, Carter, Conners, Dudley, Higgins, H.C.; Jalbert, Kane, Ketover, Mahany, Masterton, McGowan, Reeves, P.; Strout, Tuttle, Weymouth.

Yes, 19; No, 114; Absent, 16; Vacant, 2.

The SPEAKER: Nineteen having voted in the affirmative and one hundred and fourteen in the negative, with sixteen being absent and two vacant, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Brodeur of Auburn,
Adjourned until nine o'clock tomorrow morning.