

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, May 10, 1983

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

Prayer by the Reverend Bruce W. Meyer of the Prince of Peace Lutheran Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate Tabled Unassigned

The following Joint Resolution: (S. P. 540)

Joint Resolution on Day Care

WHEREAS, many state workers have indicated an interest in greater availability of day care services for their children or those of other workers; and

WHEREAS, availability of day care is of concern to all who wish to encourage qualified care and supervision of children in our State; and

WHEREAS, provision of day care services has been cited as a significant contribution to employee morale; and

WHEREAS, there are demonstrated needs for provision of these services in many areas of the State; and

WHEREAS, the Labor-Management Committee, representing the Maine State Employees' Association and the State, has been studying the issue of day care service for state employees; and

WHEREAS, not all state workers are represented by the Maine State Employees Association; and

WHEREAS, the Legislature wishes to consider all of the issues involved in the services to be offered, to whom, where, and at what cost; now, therefore, be it

RESOLVED: That a study committee on day care be formed, consisting of 2 Legislators from the Joint Standing Committee on Health and Institutional Services, appointed by the chairmen of that committee, representatives from the Maine Commission of Women, Labor-Management Committee, American Federation of State, County and Municipal Employees and the Department of Human Services; and be it further

RESOLVED: That one of the Legislators shall serve as chairman of the committee; and be it further

RESOLVED: That the committee report back its findings, together with any accompanying legislation, to the Joint Standing Committee on Health and Institutional Services by December 1, 1983.

Came from the Senate read and adopted as amended by Senate Amendment "A" (S-105)

In the House, the Resolution was read.

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

Reports of Committees Ought to Pass in New Draft

Report of the Committee on State Government on Bill "An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration" (S. P. 294) (L. D. 899) reporting "Ought to Pass" in New Draft (S. P. 539) (L. D. 1574)

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 read once and assigned for second reading later in the day.

Messages and Documents

The following Communication: (H. P. 1195)

State of Maine

House of Representatives

Speakers' Office

Augusta, Maine 04333

Hon. Edwin H. Pert
Clerk of the House
Maine House of Representatives
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that pursuant to Chapter 94 of the Public Laws of 1983, I have today appointed Rep. Gregory Nadeau, of Lewiston, to serve on the Committee to study the issue of equity as it relates to the minimum reimbursement provisions of the Local Road Assistance Program as defined in Title 23, section 1803, subsection 2.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

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

Orders

On motion of Representative Mitchell of Vassalboro the following Joint Order: (H. P. 1190)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 36-A to read:

36-A. Amendments to "AN ACT to Implement the Maine Indian Claims Settlement." A bill amending "AN ACT to Implement the Maine Indian Claims Settlement," Revised Statutes, Title 30, chapter 601, of which approval by an Indian tribe or Indian nation is required by the United States Code, Title 25, Section 1725 (e), shall contain a section stating that the Legislature has received and accepted a statement of that approval or a section containing a provision that the bill shall not take effect until that approval is received.

A bill amending the Revised Statutes, Title 30, section 6205, subsection 1, paragraph B or subsection 2, paragraph B, and adding lands to or including lands within Indian territory, shall contain a section stating the recommendation of the Maine Indian Tribal-State Commission.

The Order was read.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: This proposed change to the Joint Rules is simply a mechanism whereby changes can be made to the Indian Land Claim Settlement Treaty. When we adopted that treaty, part of the understanding was that any changes had to be agreed to by both the tribes and the state. By adopting this Joint Rule, we will have a language in place that we can attach to proposed legislation indicating that the tribes also concur in what this legislative body concurs in. That is the sole purpose of the Joint Rule.

Thereupon, the Order was passed and sent up for concurrence.

On motion of Representative Hobbins of Saco, the following Joint Order (H. P. 1194)

ORDERED, the Senate concurring, that "AN ACT to Amend the Habitual Offender Law," H. P. 956, L. D. 1237, be recalled from the Governor's desk to the House.

The Order was read and passed and sent up for concurrence.

House Reports of Committees Unanimous Ought Not to Pass

Representative Handy from the Committee on Election Laws on Bill "An Act to Prohibit 3rd Parties from Distributing Political Material on Behalf of a Candidate unless Authorized to do so by that Candidate" (H. P. 920) (L. D. 1199) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Higgins from the Committee on Taxation on Bill "An Act to Repeal the Personal Property Tax on Boats with a Value under \$1,000" (H. P. 47) (L. D. 52) reporting "Leave to Withdraw"

Representative Ainsworth from the Committee on Aging, Retirement and Veterans on Bill "An Act to Expand the Definition of Teacher for Purposes of the Maine State Retirement System" (H. P. 288) (L. D. 347) reporting "Leave to Withdraw"

Representative Paradis from the Committee on Election Laws on Bill "An Act to Provide Early Access to Absentee Ballots by the Armed Forces" (H. P. 490) (L. D. 587) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft/New Title

Representative Ridley from the Committee on Energy and Natural Resources on Bill "An Act to Create the Longfellow Wilderness Preserve" (H. P. 199) (L. D. 243) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Directing the State Planning Office to Inventory Virgin Timber Stands on State Lands (H. P. 1193) (L. D. 1579)

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-215) on Bill "An Act to Permit Barbers to Cut Hair Outside of Barber Shops" (H. P. 293) (L. D. 352)

Report was signed by the following members:

Senators:

CHARETTE of Androscoggin
CLARK of Cumberland
SEWALL of Lincoln

— of the Senate.

Representatives:

CONARY of Oakland
STEVENS of Bangor
MURRAY of Bangor
BRANNIGAN of Portland
MacBRIDE of Presque Isle
MARTIN of Van Buren

— of the House.

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

Report was signed by the following members:

Representatives:

PERKINS of Brooksville
TELOW of Lewiston
RACINE of Biddeford
POULIOT of Lewiston

— of the House.

Reports were read.

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

Mr. BRANNIGAN: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that the Majority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: This bill would allow barbers to cut hair in places other than a barber shop or in places that are now already allowed, such as hospitals and nursing homes. It does require, however, that barbers be licensed, of course, and also be attached to a barber shop; in other words, have a place of business, working with a place of business.

It brings about some equity between barbers and cosmetologists—cosmetologists have been for a long time allowed to do hair in people's home without having any attachment to a

place of business. Although the original request was that complete parity be given between cosmetologists and barbers, it was the decision of the majority of the committee that they at least, barbers, should have a shop or be attached to some shop so that some control by the board could be exerted.

I ask you to allow that some equity be gained between barbers and cosmetologists; vote for this bill.

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

Mr. MCCOLLISTER: Mr. Speaker, I request a division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative and 9 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-215) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "B" (H-217) on Bill "An Act to Reform the Workers' Compensation System" (Emergency) (H. P. 1019) (L. D. 1322)

Report was signed by the following members:

Senators:

DUTREMBLE of York
SEWALL of Lincoln
HAYES of Penobscot

— of the Senate.

Representatives:

WILLEY of Hampden
TAMMARO of Baileyville
NORTON of Biddeford
ZIRNKILTON of Mount Desert
TUTTLE of Sanford
BEAULIEU of Portland
BONNEY of Falmouth
SWAZEY of Bucksport

— of the House.

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

Report was signed by the following members:

Representatives:

LEWIS of Auburn
GAUVREAU of Lewiston

— of the House.

Reports were read.

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

Mrs. BEAULIEU: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report and ask permission to speak.

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that the Majority "Ought to Pass" Report be accepted.

The gentlewoman may proceed.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The bill before you today, L.D. 1322, is the result of extensive negotiations that have spanned most of a year. It is based entirely on the recommendations of the Speaker's Select Committee on Workers' Comp, and although it is amended, the amendment is completely consistent with that report.

The Speaker's committee was comprised of 23 people representing interests of business, labor, the legislature and the insurance industry. The report which was handed out to you earlier in the session is the basis for this legislation and it was adopted by unanimous vote of the members present, including representatives from each of those groups.

L.D. 1322 was carefully drafted to be consistent with both the letter of the recommen-

dation as well as the spirit of the committee report.

The Joint Standing Committee on Labor conducted a well attended public hearing on the bill and held four subsequent work sessions to review and refine this bill. In total, this process took nearly a month, during which we honestly attempted to deal with the remaining concerns expressed by various people and interests.

Committee Amendment "B" addresses many of those concerns while keeping the bill consistent with the compromises reached in the Speaker's committee report. Committee Amendment "B" amends 15 separate sections of the bill. All but two of those changes are technical in nature and are designed to make the legislation more workable, clearer and more definitive. Two changes are substantive but consistent with the report of the Speaker's committee. The first is an increase in the number of employee assistants from 6 to 10, and the second is to clarify the notice provisions within the bill.

The Labor Committee worked very hard on this bill, spending at least eight hours of work session time in the process. I am firmly convinced that the bill as amended by Committee Amendment "B" is a better bill because of the time and the effort that we invested in it.

The present workers' comp system is not working well for anyone. Employees are delayed in receiving benefits for months at a time. Employers are burdened with an expensive and sometimes unresponsive system. The administration of the system is 20 years behind its time and has been suffocated by the sheer volume of its own paper work. In short, nobody is benefitting from the contentious and delay-ridden, unmanageable system we currently have.

This bill creates a new system which we trust will be better than the one we now use. It will not be perfect. It will require alterations and fine tuning as problems are identified, but it will be a significant improvement from the status quo.

Under this legislation, we are changing the system from an agreement system to a direct pay system, or an early pay system. We are eliminating the need for formal signed agreements, we will eliminate the need for attorney involvement at least in the very first stage efforts in approximately 80 or 90 percent of all claims while safeguarding the rights of the injured employee.

Under this bill, payment is essentially due to the employee within 14 days of the injury. The employer or insurance company then has an additional 30 days while making payments to decide whether or not to dispute the claim. If at the end of a 44 day period the insurance has not disputed the claim, they may stop making payments without commission approval. If, however, during that 44 day period the insurance company decides to contest the claim, they must notify all parties and an informal conference with the commissioner will be held within three weeks, a major difference from what is happening now in the field. During that particular period, commission personnel from the Office of Employee Assistance will work with the employee to advise and prepare him or her for the informal conference. The commissioner may then issue an advisory opinion during the informal conference. The insurance company or employer may then choose to begin making payments to the employees within a one-week period of the informal conference. If not, then either party may request a formal hearing and retain counsel to litigate the case. This is one of the sections in the bill that the committee was not happy with and this is the result of the negotiated agreement to try to make this system and the bill more streamlined.

This bill also provides for modernization of the administration of the workers' comp

commission, an effort we began in the last session. It establishes four district offices, one each in Cumberland, Androscoggin, Penobscot and Aroostook Counties. It establishes an Office of Employee Assistance, staffed by up to 10 people, to assist employees in preparing for informal conferences. It might be interesting for all of you to note that we are and will be the only state who will have a direct pay system with employee assistance. Other states have direct pay systems, informal conferences but no one to assist the injured employees.

It provides for two additional full-time commissioners; it provides for additional court reporters and clerical personnel; it continues funding for the data retrieval system currently being implemented; and trustingly and hopefully, the bill brings the administration of the system into the 20th Century.

As I have said earlier, this bill may not be perfect, but it creates a system that is better than we have now. Each of us, regardless of whether we are perceived to be either pro labor or pro business, have concerns about specific provisions of this bill. I suspect that at some point in time some of us will be coming back to this body and we may be saying "we told you so," but until we can identify what the problems are going to be, this is one of those bills that I don't have to hold my nose as I vote for it, because I really think we ought to give it a try.

This bill is compromise legislation and I think it is compromise legislation at its best. That means that everybody gets a little, probably not as much as they wanted, and everybody has to give a little, and probably more than they wanted. Everybody has to swallow hard and to look past their own specific concerns of focus and on the greater good this bill could do for the system. It is, in my opinion, a good first step, it is based on careful study and analysis of the problem with this system. The bill was not sacrosanct, it didn't come to our committee with any rumblings "don't touch it, leave it as it is because we certainly did enough work on it with 15 amendments as a result." It is the product of negotiation and agreement and I guess, finally, there is nothing in this bill which was not agreed to by the members of the Speaker's committee, including business, labor and insurance, although all of them still have concerns. Whether those concerns are legitimate or not, we have to implement it to find out if they are going to be legitimate or not.

Our committee has worked very hard to make this bill better; I urge you to support its passage today and, Mr. Speaker, I ask for the yeas and nays.

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 gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief today following the long explanation of our committee chairwoman; however, just because someone has compromised on a bill doesn't mean the bill is any good, and that is the situation that I found myself in when I signed "ought not to pass." I won't bore you with all the details for why I have signed this way, but the major reason why I am opposed to this bill is that it creates a new bureaucracy.

In Mrs. Beaulieu's comments, she pointed out to you that although other states have a direct pay system and other states have informal conferences, no other state has established an Office of Employee Assistance.

This Office of Employee Assistance is basically a new bureaucracy. It is a group of non-

lawyers, by law they are not supposed to be lawyers, that are supposed to replace the current lawyers in our system. And that means if an injured worker goes to one of the non-lawyers provided to him by the state and he is supposed to get some good help out of this person, some of us have some real serious problems with that.

Moreover, this particular bill is also establishing more district offices, it is giving more workers' compensation commissioners, more clerical and court reporters. In other words, it is going to cost us a lot of money. The question is, do we need to be spending this much money on our workers' compensation system? When we asked this question of Chairman Devoe at a recent work session, he pointed out to us that in the State of Connecticut, the Hartford jurisdiction of workers' compensation claims in that state had as many people that reside there and as many workers as the entire State of Maine, and yet one workers' compensation commissioner, not nine, is able to handle all the claims in that state.

It seems to me that rather than being the first in the nation to establish a brand new bureaucracy, we should look at some of the other states, and Connecticut certainly is a stronger labor state, that are able to have a speedier system and a better system without spending all this money.

For that reason, I am opposed to this bill and I hope that some of you who share these concerns will have the courage to vote against this bill today.

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: I rise this morning to explain my position also with respect to this very important piece of legislation, and at the outset of my remarks, I must advise you that I had not planned on speaking this morning.

It is certainly clear that many men and women have devoted a good deal of their time and energy into drafting this legislation, and I have no doubt whatsoever that all the parties involved acted with the utmost sincerity and good faith in drafting what they believed to be a responsible and effective solution to our workers' compensation crisis, and believe me, there is a crisis and we have to take steps to address it.

I agonized over this bill for a long time, and I wanted very very much to support the legislation, and I will try to share with you briefly what my major concerns were and which, in the final analysis, led me to oppose this bill.

There are many good things about this bill which Representative Beaulieu mentioned in her remarks. Perhaps the most important aspect of this bill is that it does speed the flow of money into the hands of injured workers with the direct pay system; that is excellent. It is a reform long overdue and we certainly welcome this aspect of the bill. Also, and importantly, it does reduce contested cases to some extent, and it does avoid needless attorney involvement in the workers' compensation process, and that is excellent and I am all for that.

My major concern with the bill dealt in the area with the informal conference. We have here a situation that I would urge all of you to look at very carefully and make your own minds up on whether or not you feel the procedure is equitable. If you do, fine, support the bill because the bill otherwise is a sound document. That is the major problem I had with the bill.

The informal conference procedure setup in my view will not provide an effective means to advise the injured worker of his or her rights under the act; not withstanding the fact that there will be several overtures by the commission and by the state employees to in fact advise the workers of their rights.

The bill calls for the establishment of four or five district offices throughout the state and

the injured worker will have one, or perhaps two at most, of staff in each district office to advise him or her or their rights.

I viewed this as somewhat not a parity situation in a sense that the insurance companies, although barred from having an attorney at the informal conference, in most situations the adjuster certainly would have the advice of top-flight counsel who would advise the adjusters what procedures to institute and what negotiations to offer at the informal conference level. I just believe that when you contrast that sort of expertise against one staff worker for a regional office trying to advise all the injured workers in his or her office, it simply was not a realistic situation and there would be situations, especially in the rural areas of the state, or there are a lot of unorganized workers, where there could be a real problem and workers might not properly protect their rights.

Bear in mind that in this particular area of the law, workers' compensation, it is a very technical area of the law and there are very strict and exacting time requirements, and unless the employee asserts his or her right within a specific time frame, those rights will be forever barred, and that is the primary concern that I had.

There were other technical problems I had with the bill which I do not believe would justify voting against the bill. That was the major problem I had, and for that reason I felt I could not in good conscience, representing an urban area of the City of Lewiston with a lot of mill workers, I didn't believe in good conscience that I could cast my vote for the bill. Others may feel differently, but I felt I did have to share with you my views and my position this morning on this bill.

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

Mr. McHENRY: Mr. Speaker, I would like to pose a question through the Chair. Could anyone tell me what the savings to our employers will be in the premium dollars, how much of a percentage of a savings if we pass this bill?

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

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Mr. McHenry has asked probably the best question that any of us could be asking and, unfortunately, no one can answer his question.

At the hearing on the bill when we asked this question, no one could tell us an exact percentage savings that we could achieve by enacting this. Everyone hopes that this will help to slow down rates, but no one can assure us that this will in fact do that.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I rise because I have publicly criticized this bill. Both the reservations I had have been expressed here today. One was the concern that we might be creating a bigger bureaucracy in the Workers' Compensation Commission, and the second concern was that I felt this bill might create a delusion among the business people of the state, small businessmen and large businessmen, that somehow or other there might be premium savings involved with this bill, which I doubt.

However, I do plan to vote in favor of this bill today. I liken it a little bit to the bounty on coyotes. I supported that. I didn't think a bounty would do any good but I think the people asked that we at least do something, so I was willing to give the bounty on coyotes a try. I do believe that the people of this state are asking us to at least do something about the workers' compensation problem in the State of

Maine, so I do plan to support this today.

I hope that those who feel strongly that it will solve some of the problems in the state, I do hope that they prove to be right.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The response to Representative McHenry's question was accurately stated to some degree by Representative Lewis. There is no way to put a dollar amount on what the potential savings could be on legal fees. However, if, according to the commission and their explanation of how the employee assistants would be utilized and just what degree their responsibility would be, if we can, indeed, reduce legal involvement or personal lawyer involvement at that first stage effort by 70 to 80 percent, then we have, indeed, made some enormous savings.

As for Representative Gauvreau's concern, it is a concern shared even by myself. However, until we have some experience, until we make the effort to try the employee assistance route, there will be no way to correct the situation, so we have to have some experience rating, so to speak, to see how it is going to work before we can begin to correct any problems that might exist there.

I think what is even more critical, however, for you to keep in mind is that the employee assistance program is in this bill because of the legitimate concerns over injured employees. I think it is crucial to understand that even after an informal conference, at no point in time does the employee waive his or her rights. He can still choose to go ahead and get legal counsel if he wishes to do so, if he or she is not satisfied as to what would happen at that level. So I think that is the built in protection for the employee.

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

Mr. HAYDEN: Mr. Speaker, Men and Women of the House: I want to tell you right up front that, as most of you know, I am a lawyer, I do a fair amount of workers' compensation, so I am going to be giving you my opinion of what is good and bad about this bill from that point of view. I want you to accept it however you see fit, but I can't sit back and be silent about something that is very important and is going to have a very important effect on the insurance companies involved in workers' compensation. It is going to have a very important effect on injured workers who are injured on the job. I want to give you my observations of what in some ways is very good about this bill and of one glaring area that I think is so detrimental that it will have to be amended before we pass it in this House.

Now about the good part the bill—there is a system that will be started called direct pay. What it will do is essentially get the lawyers from both sides out of the system, and that can't be anything but good for everyone involved. Now, the time and reason they get out of the system is at the beginning of the process because the insurer and the employer has agreed to pay. Once that happens, you shouldn't have, in my opinion, in my opinion as a legislator and my opinion as a lawyer, you shouldn't have lawyers involved creating hurdles for one another, complicating a case unnecessarily.

This bill creates a system that will be one of the better direct pay systems in the country and we benefit and the people we represent who have the misfortune of being injured would benefit.

The additional part of this bill, the part that I think creates a real pitfall and a real trap for some injured workers is the creation of the informal conference. As Representative Gauvreau mentioned before and Representative Beaulieu has addressed, what this basically is, it is a conference after that initial decision has been made of whether or not to pay directly.

Then, if the decision is made that this case is going to be contested, there will be an informal conference, at which time the employee will be present, he will be represented by a worker within the commission. There probably won't be an attorney for the insurance company but there probably will be an insurance adjuster. If it is a sophisticated company, the adjuster is going to know what he is doing, he is going to have the advice of those attorneys who are on retainer.

Put yourself in the shoes of that injured worker. Here is a fellow who has a nerve injury in his wrists because he has been working in a shoeshop and because of the fast motion his hands are swollen up and there maybe is a grounds for debate whether or not he had this because of his job or not. That is a subtle case and the facts of that case are subtle. The way that case begins says an awful lot as to the way that case ends.

If you were that injured worker, would you want to go before a representative of the insurance company, who knows what he is doing, he has been advised by counsel, and know that your protection is going to lie with a very well intentioned, very hard working employee of the Workers' Compensation Commission who hasn't had the time to do that discovery, hasn't had the time to find those hard facts, to find out the subtleties that may be sloughed over, and my concern, the reason why I can't support this bill in its present form is because that is an absolute trap for the unwary worker.

I don't care whether we had an army of Clarence Darrow's working for the Workers' Compensation Commission, making sure that these people were properly represented, the case-load is going to be too crushing. We pass laws all the time that deal with state government, we know how it works. These people are going to be just buried in a wave of demands. Is the answer, then, to have more employee advocates so we can have an army of employee advocates? I submit to you that it is not. If you were that injured worker and you were given the choice of having on one side the insurance company, your employer and the advice of very experienced counsel, and on the other side to have an employee advocate with a huge workload, would you feel secure? I wouldn't, I wouldn't as a worker, I wouldn't as a legislator and I don't think that person is going to be secure as a lawyer in my opinion. I want you to think about that problem.

We have heard a lot that this bill has had a lot of work, it has been; it has been a tremendous effort on both sides and there has been a great deal of compromise, that is the code word for our business here, but we are not bound by those compromises. We have a right to think for ourselves here, we have the right to make the changes that we think are best for the people of this state and I don't for a second cast any aspersion on the people that worked so hard on this bill, but this is the problem, it is a problem that they couldn't come to a compromise with, it is a problem that we have a chance to correct.

Now, if we do correct it, what that means is, in that first process, that first moment of the hearing, there is going to be an evenness, whether it is that no one is involved from the insurance company, no one is involved representing the employee, or everyone is involved; frankly, I don't care, but it should be evenhanded and it is not. That is one of the reasons why this bill has some surprising supporters that all our efforts in the past never had. I have been frankly surprised at the number of people who I don't think have had the concerns of injured workers in mind who have supported this bill. I think one of the reasons is, they see that as a hidden advantage that they are going to be able to play, to play their games.

Now, the way the process works after that informal conference, then the case will be fought, the case that is in controversy between

lawyers on both sides, and I suppose that is the best way we can do it, we haven't figured out a better way yet.

The only other point I want to make to you, it is a problem that I have with that informal conference, is that I want you to think practically of what happens. You have an insurance company and they have got the opportunity to get into this direct pay system and recognize that they can save the cost of litigation, they can save the cost of a lawsuit by paying and, hopefully, they are going to do that in lots and lots of cases. But if they don't I ask you, is the commission employee advocate going to be able to convince them to do that? I submit to you, he never is going to be able to convince them to do that. Instead what is going to happen is, they are going to hold off, because if you are going to fight the case, you sure are going to have a strategic advantage by getting in there first and getting the information first, putting that employee at a disadvantage, because the expertise and the experience is all on one side. We can make this bill better. We don't have to take it in its present form. That is the reason I urge you to vote against this, so we can have a chance to amend it.

I want to thank you for listening to me and I want you to take what I have to say in the spirit that it is given. I am coming from a position where I have done a lot of workers' compensation cases and if you want to reject that on that basis, that is certainly your right, but I am speaking to you as one of you and as somebody with some real concerns about what is going to happen when one side with all the power has an opportunity to misuse somebody.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have been a member of this body for 15 years and I have seen a great deal of legislation concerning workers' compensation pass over my desk over those years, and I have served with some very competent men and women in the past, as I am today, in regards to this very issue.

This bill is sponsored by a gentleman who supported, as I did, most of the legislation dealing with workers' comp that is on the books today. This particular document came after a considerable amount of work and effort by a variety of people that finally landed down in the Committee on Labor. That committee is as diversified as any single committee there is in this House, that is for sure.

The report in itself speaks for the efforts of the committee and also speaks for the efforts of what this bill does. I wholeheartedly, as a member of this House, do not have any uncomfortable feelings of the results of that work nor do I have any uncomfortable feelings with the results of the committee and its effort in putting it before us.

I applaud the gentleman from Lisbon in being up front when he stood on the floor of this House and said that he and his firm do a great deal of workers' comp work and we all know that. I applaud him for picking out what he thought was good and bad about this bill and I am sure, like Mr. Carter who is not here today, because he certainly had an interest in it, that Mr. Hayden will do the same. I appreciate anyone giving the advice that he has given us in this House, but obviously he has an interest in it and he was not ashamed telling us that, and I appreciate him for it, but I would be surprised if he would vote on this issue today based on the same reasons that Mr. Carter had left here a few moments ago, because there is an appearance of some interest.

I support the document, nothing is perfect, but when you get an 11 member report of diversified individuals with varying degrees of interest in regard to this issue coming out with a majority of a consensus through the efforts of a great many people in the past, then I suggest that this House listen to the committee,

listen to the efforts of the people of the State of Maine that worked on this particular document and accept the report without any amendments.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: I rise in support of the Majority Report of the committee and also to respond to some of the concerns that have been brought forth by the opponents of the proposal and possibly by some of the proponents of the proposal.

I have no interest in workers' comp other than the same interest that we all share here. I did receive workers' comp about six years ago for four weeks when I fell off a loading dock, so I hope that that doesn't disqualify me from participating in the debate this morning or being able to vote.

I think all of us have been touched in one way or the other through insurance rates, through our employers or employees, what have you. It is an issue that I think all of us have a right to discuss and I hope that the debate this morning will focus on that.

I am concerned about the criticisms of the informal conference in particular. It is an area that I looked into quite a bit as a cosponsor of the bill and it is something that I feel comfortable with as a result of what the committee had done and what the commission has done.

The concerns of the gentleman from Durham, Mr. Hayden, I think are legitimate to a certain degree, but I think there are adequate protections inherent in this bill so that we don't have to worry about it being abused by the employer. In particular, he is concerned that the employee will be at a disadvantage at an informal hearing and may be pressured into settling on something that he shouldn't or perhaps the attorneys or the insurers who are on retainer with these corporations or these employers will somehow give them an unfair advantage in the procedures. That is a point that has some merit but, again, as I mentioned a few minutes ago, there are protections in here that take care adequately, I believe, the concerns of the employee.

You have to remember that the employee assistance, that is the bureaucracy that we may be creating, is done as sort of an advocate of the employee to participate in the informal conference to ensure that the employee is aware of what is going on. Now, this is the first step in the process, the informal conference will deal with 90 percent of the cases hopefully, and most importantly, they will deal with 90 percent of the legal fees involved, something that does have a substantial effect on the rates that our employers in this state have to pay. By providing this mechanism for discussion and mediation, so to speak, of the problems involved, I think we can resolve a lot of the problems that are clear-cut early and avoid unnecessary cost and unnecessary complications in litigation.

If it goes beyond that point, if there is some concern that the employee is not aware of his rights or is being taken advantage of, those employee assistants who are provided to them will be in on the hearing and will be able to advise them that they should proceed to the next step. They aren't there to give legal advice, as many of the lawyers involved in workers' comp do, they aren't there to antagonize one side or the other to pursue it and push it down the road so the costs are increased and so forth, they are there to advise the employee when it is appropriate for him to proceed to the next step.

I think it makes sense. It may be a bureaucracy, as the gentleman from Auburn mentioned, that we are creating, an additional layer, but I do believe that in this case it is to all of our benefit to take this action and pass this. I think in the long run we will save a lot of money and we will all be very happy.

The SPEAKER: The Chair recognizes the

gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I, too, want to offer my support as part of a little corporation that pays and pays and pays into workers' comp and many of the people in my area in the woods industry pay and pay and pay. They, too, are wishing and hoping very much that out of this will come a beginning. It is something that we can work on. If it takes a few more people, what you call a bureaucracy, so be it. What we have now is literally chaos. Hopefully, we can establish this as a beginning.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am one that would like to do something, something that I can report back to my workers and my employers and say we have done something. But this, I am afraid, I have a gut feeling that the insurance companies are the ones that are going to be gaining more money because they are going to be paying out less but the employers are going to be paying the rate because of the national rating. I don't believe that this is going to lower the rates, I honestly don't believe it. I am afraid that the employers two years from now are going to be down our throats saying, this is not the right way and cut, cut on the workers, the employees. They are always trying to get the workers and the employees but it is the insurance company that is to blame, it isn't the employer, it isn't the employee, it is the insurance people, that is the problem.

The SPEAKER: The pending question before the House is the motion of the gentleman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, pursuant to House Rule 19, I wish to be excused from voting.

The SPEAKER: The Chair will grant the request to the gentleman from Winslow to refrain from voting pursuant to House Rule 19.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, pursuant to House Rule 19, I request permission to be excused from voting.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has requested permission to be excused pursuant to House Rule 19 and the Chair will grant that request.

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

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Callahan, Carrier, Carroll, D.P.; Cashman, Chonko, Clark, Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Gwadosky, Hall, Handy, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rolde, Salisbury, Scarpino, Sherburne, Small, Smith, C.B.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle,

Vose, Walker, Webster, Willey, Zirkilton, The Speaker.

NAY—Andrews, Cahill, Connolly, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Hayden, Lewis, McHenry, Reeves, P.; Smith, C.W.; Weymouth.

ABSENT—Higgins, H.C.; Hobbins, Jalbert, Mahany, Rotondi, Seavey, Soule, Wentworth.

Yes, 126; No, 14; Absent, 8, Vacant, 1; Excused, 2.

The SPEAKER: One hundred and twenty-six having voted in the affirmative and fourteen in the negative, with eight being absent, one vacant and two excused, the motion does prevail.

Thereupon, the Bill was read once.

Committee Amendment "B" (H-217) was read and adopted and the Bill assigned for Second Reading later in the day.

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

The Following Joint Resolution: (S. P. 542)
JOINT RESOLUTION RECOGNIZING
SAMANTHA SMITH OF MANCHESTER, MAINE
FOR HER HISTORIC CORRESPONDENCE
WITH SOVIET LEADER YURI V. ANDROPOV
WHEREAS, it has been said "the children of today will be the architects of our country's destiny . . ."; and

WHEREAS, Samantha Smith, a beam of sunlight from Manchester, Maine, has sparked a glimmer of hope in the tense coldness of international relations; and

WHEREAS, a 10-year-old school girl has succeeded where others have failed in initiating a candid dialogue with the leader of the Soviet Union; and

WHEREAS, this 5th grader's letter touched on the simple fundamental dream of all people everywhere "to live in peace, to trade and cooperate with all our neighbors on the globe"; and

WHEREAS, it is upon that foundation that the United States and the Soviet Union must build and to which Samantha has shed light and hope by her historic communications; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the First Regular Session of the 111th Legislature of the great and sovereign State of Maine, now assembled, pause in our duties to recognize this young diplomat from Manchester who seeks truth "the finest and noblest ground on which people can live" and above all to extend to Samantha and her proud parents Art and Jane Smith of Manchester, the admiration of the Legislature on behalf of the people of Maine for this unique and historic act of diplomacy; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be prepared and presented to Samantha with every best wish and God-speed on her forthcoming trip to the Soviet Union.

Came from the Senate read and adopted.

In the House: The Joint Resolution was read and adopted in concurrence.

Thereupon, the Sergeant-at-Arms, along with her Representative, Mr. Daggett from Manchester, escorted Miss Smith to the rostrum. (applause)

The SPEAKER: The Chair is pleased to present to you Samantha Smith, the person who has done something that none of us could do and we certainly welcome her here to this body. She is going to give us a few words of wisdom.

SAMANTHA SMITH: I just want to thank you and I am just happy that I was born and raised in the great State of Maine. (applause)

The SPEAKER: The Chair has to add to that, she is from Amity, Maine, which happens to be in Arrostook County, and they now live in Manchester, as you know. Her parents are in the back and we would ask them to wave so we know who they are. (applause)

She and her parents will be going to Russia

at the invitation of the Russian government later this summer and we wish them well on their trip. I am certainly pleased that that letter has generated the attention to the State of Maine and to Samantha that it deserves. Samantha, have a good time, we wish we were going with you.

SAMANTHA: Thank you.

Thereupon, the Sergeant-at-Arms and Representative Daggett from Manchester escorted Miss Smith from the hall, amid applause of the House.

Non-Concurrent Matter

Bill "An Act to Amend the Standard Valuation Law for Life Insurance and Annuities and the Standard Nonforfeiture Law for Life Insurance" (H. P. 876) (L. D. 1130) which was passed to be engrossed as amended by Committee Amendment "A" (H-198) in the House on May 6, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-198) and Senate Amendment "A" (S-104) in non-concurrence.

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

Consent Calendar

First Day

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

(S. P. 447) (L. D. 1368) Bill "An Act to Make Extreme Anger or Extreme Fear Brought About by Adequate Provocation an Affirmative Defense which Reduces Murder to Manslaughter, and to Create the Crime of Intentional or Knowing Manslaughter"—Committee on Judiciary reporting "Ought to Pass".

(H. P. 877) (L. D. 1131) Bill "An Act to Revise the Truancy Laws"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-213).

(H. P. 788) (L. D. 1030) Bill "An Act to Conform State Antitrust Laws with Federal Antitrust Laws"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-216).

There being no objections, these items were ordered to appear on the Consent Calendar, Second Day, later in the 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. 791) (L. D. 1032) Bill "An Act to Amend the Statutes Governing the Licensing, Approval and Registration of Adult and Child Care Programs" (C. "A" H-208)

(S. P. 488) (L. D. 1481) Bill "An Act to Provide a Warden's Association Handbook" (C. "A" S-95)

(S. P. 357) (L. D. 1078) Bill "An Act Pertaining to License Revocation Notices Issued by the Commissioner of Inland Fisheries and Wildlife" (C. "A" S-99)

(H. P. 931) (L. D. 1210) Bill "An Act Relating to Enforcement of Handicapped Parking Zones on Turnpikes and the Interstate System by State Police" (C. "A" H-210)

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

Passed to Be Engrossed

Bill "An Act to Amend the Adult Protective Services Act" (S. P. 536) (L. D. 1562)

Bill "An Act to Increase the Compensation for Substitute Teachers" (S. P. 538) (L. D. 1568)

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

Second Reader Later Today Assigned

Bill "An Act to Establish a Commission to Review and Evaluate the University of Maine System" (S. P. 537) (L. D. 1566)

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

On motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Create a Statutory Will" (H. P. 1182) (L. D. 1575)

Bill "An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law" (H. P. 1084) (L. D. 1432)

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

Bill "An Act to Establish a State Standard for Funding Certain Workers under the Workers' Compensation Commission" (H. P. 1083) (L. D. 1429)

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

Mrs. Ketover of Portland offered House Amendment "A" (H-214) and moved its adoption.

House Amendment "A" was read by the Clerk.

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

Orders of the Day

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

Bill "An Act to Protect the Integrity of the Unemployment Compensation Fund" (Emergency) (H. P. 1174) (L. D. 1561)

Tabled—May 9, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Motion of same gentleman to Reconsider passage to be engrossed.

Thereupon, the House reconsidered its action whereby the Bill was passed to be engrossed.

Mrs. Beaulieu of Portland offered House Amendment "A" (H-218) and moved its adoption.

House Amendment "A" (H-218) was read by the Clerk and adopted.

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

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

Bill "An Act Relating to Agricultural Contracts" (S. P. 272) (L. D. 835) (C. "A" S-81)

Tabled—May 9, 1983 by Representative Michael of Auburn.

Pending—Passage to be Engrossed.

On motion of Mr. Michael of Auburn, under suspension of the rules the House reconsidered its action whereby Committee Amendment "A" (S-81) was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-212) was read by the Clerk and adopted.

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

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

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

An Act to Clarify Certain Provisions of the Marine Resources Laws. (H. P. 987) (L. D. 1292) (S. "A" S-79 to C. "A" H-157)

Tabled—May 9, 1983 by Representative

Crowley of Stockton Springs.

Pending—Passage to be Enacted.

On motion of Mr. Crowley of Stockton Springs, retabled pending passage to be enacted and tomorrow assigned.

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

An Act to Establish New Selection Procedures for the Maine Indian Tribal-State Commission Chairmanship. (S. P. 342) (L. D. 1016) (C. "A" S-76)

Tabled—May 9, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, retabled pending passage to be enacted and later today assigned.

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

An Act Regulating the Activities of Political Action Committees. (H. P. 306) (L. D. 365) (C. "A" H-174)

Tabled—May 9, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

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

An Act to Maximize the Availability of Certain Social Services by Providing for Income from Fees and Remove References to Federal Requirements which no Longer Exist. (H. P. 1161) (L. D. 1533)

Tabled—May 9, 1983 by Representative Carter of Winslow.

Pending—Passage to be Enacted.

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

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker, is the House in possession of House Paper 952, L. D. 1233, Bill "An Act Concerning Submerged and Intertidal Lands Owned by the State?"

The SPEAKER: The Chair would answer in the affirmative, having been held at the gentleman's request.

Mr. LIVESAY: Mr. Speaker, I move we reconsider our action whereby we accepted the Majority "Ought Not to Pass" Report.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Livesay to reconsider and tomorrow assigned.

(Off Record Remarks)

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

On motion of Mr. Crouse of Washburn,
Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

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

RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of New England and Quebec and the Maritimes. (S. P. 324) (L. D. 969) (C. "A" S-82)

Tabled—May 9, 1983 by Representative Michael of Auburn.

Pending—Final Passage.

On motion of Mr. Michael of Auburn, retabled pending final passage and specially assigned for Thursday, May 12.

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

Bill "An Act to Extend Maine's Returnable Deposit Law" (S. P. 512) (L. D. 1529)

Tabled—May 9, 1983 by Representative Brannigan of Portland.

Pending—Motion of Representative Soucy of Kittery to Reconsider whereby the Bill Failed of Passage to be Engrossed.

On motion of Mr. Murray of Bangor, retabled pending the motion of Mr. Soucy of Kittery to reconsider and tomorrow assigned.

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

Bill "An Act to Allow Retailers to Sell Prison Made Items" (Emergency) (H. P. 1097) (L. D. 1445)

Tabled—May 9, 1983 by Representative Scarpino of St. George.

Pending—Motion of same gentleman to Reconsider whereby the Bill was Passed to be Engrossed.

Thereupon, the House reconsidered its action whereby the Bill was passed to be engrossed.

Mr. Scarpino of St. George offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-222) was read by the Clerk.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment would do, it would not change the intent of the bill at all. I am basically in agreement with the intent, but what it would do would require that the wardens would not be able to authorize the sale of any of these articles produced unless the manufacturer of the article shows evidence that he has paid his state and federal taxes. It would also require that income information that the manufacturer, the amount of money the manufacturer made must be furnished to the Department of Human Services to be taken into consideration on the applications for assistance from the dependents of that individual.

The reason I brought this amendment before the House is because having worked at the prison and in recent contact with Warden Magnuson at the prison, what I found is that there is no existing mechanism, according to the warden, for them to transfer this income information to the Department of Human Services. And upon questioning as to whether any of these individuals currently in the prison had paid taxes on the income they made in year 1982, I found that none had drafted checks for either their income taxes or their self-employment tax. If you are aware of the way the inmates' finances are taken care of in the prison, any funds the inmates make are kept in an account by the prison administration. The inmate is allowed a certain amount of funds for use at the prison store. Any major expenses that individual desires to make, he has to make application and a check is drafted by the administration for his signature and then forwarded to whoever the check is to. They had no record of any checks being written for payment of income taxes or self-employment taxes.

While I have no problem with an individual making as much money as he is capable of making, regardless of his situation, I also feel that that individual should have to meet all the responsibilities of any other citizen within the country, and accordingly offer this amendment and urge your support of it.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The transition correction

team has addressed this same issue and the substantial changes that we are dealing with in Health and Institutions, and if I am not mistaken, the Audit and Program Review Committee addressed the same provisions, so I really don't see that this amendment is necessary; therefore, I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Portland, Mr. Manning, moves that House Amendment "A" be indefinitely postponed.

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

Mr. SCARPINO: Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the gentlewoman from Rockland, Mrs. Melendy.

Mrs. MELENDY: Mr. Speaker and Members of the House: L.D. 1390, approved by the Governor on April 27, 1983, I would like to read the section here that I feel addresses this and that is Section 20, Subsection 1-B, Subsection 4 is enacted to read: "Inmates' financial records—the Commissioner of Corrections may provide information on inmate employment and earnings to out-of-state agencies in the federal government for the purposes of determining income tax liability or child support obligations." I believe this addresses this problem, so I would like to see this indefinitely postponed.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Manning, that House Amendment "A" (H-222) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, McColister, McGowan, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pines, Pouliot, Richard, Ridley, Roberts, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammara, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, MacBride, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; McHenry, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Webster, Weymouh, Willey, Zirkilton.

ABSENT—Baker, Brannigan, Carrier, Conners, Cooper, Davis, Higgins, H.C.; Jacques, Jalberty, Livesay, Mahany, Racine, Reeves, P.; Rolde, Rotondi, Seavey, Strout, Wentworth.

Yes, 80; No, 52; Absent, 18; Vacant, 1.

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

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

An Act to Amend the Reporting Requirements in Cases of Death Due to Abuse or Neglect (H. P. 715) (L. D. 906) (C. "A" H-173)

Tabled—May 9, 1983 by Representative Soule of Westport.

Pending—Passage to be Enacted.

On motion of Mr. Soule of Westport, retabled pending passage to be enacted and tomorrow assigned.

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

An Act to Amend Mandatory Zoning and Subdivision Control (H. P. 1160) (L. D. 1531)

Tabled—May 9, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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 following item was removed from the Unassigned Table:

An Act Relating to Training Penobscot Law Enforcement Officers (S. P. 81) (L. D. 192)

Tabled—April 6, 1983, by Representative Mitchell of Vassalboro.

Pending—Passage to be enacted.

On motion of Mrs. Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-219) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

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

Tabled—April 8, 1983, by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair on Germaneness of House Amendment "A" (H-123).

The SPEAKER: The Chair would rule that House Amendment "A" is germane.

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

Mrs. BEAULIEU: Mr. Speaker, I move the indefinite postponement of House Amendment "A" and would ask for a roll call.

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that House Amendment "A" be indefinitely postponed.

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

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: It has just been over one month since I last presented the argument as to why (1) this bill shouldn't even pass, and (2) if you decide to pass it, why House Amendment "A" (H-123) should be attached to it. Since that time, the proponents of the legislation, of this piece of legislation, have not expressed any remedies to the concerns that I addressed that day, to me anyway, and I don't think anyone else has had an opportunity to hear them. So I will once again mention the problems that the original bill has which conflicts with the municipal public employees' labor relations act, under Section 963, Right of Public Employees to Join Labor Organizations, and by the same token their right not to be forced to join these organizations, and I submit to you that if in fact this bill were to pass and if in fact it were to be negotiated into a contract, it is possible that Section 963 would be violated.

It is also conceivable that we would be doing a tremendous injustice to our unemployment compensation system by once again allowing another section not to be covered and meaning

that if someone decided that they did not want to join the union, they, therefore, would be deprived of a job in that particular municipality, thus would be eligible for unemployment compensation, thus increasing the taxes on all of us and at the same time making sure that one more person is out of work.

If I may, I would like to pose a question through the Chair. I would ask anyone to tell me why they feel that this legislation is necessary and I will listen with attentive ears.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: We believe that the legislation is important to simply clarify that union security provisions can be and may be bargainable for municipal public employees. That is why it is necessary.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I am very concerned about the impact of L.D. 812 upon municipal employees without the addition of the amendment that has been proposed by the gentleman from Mount Desert.

I think we all have back in our towns and our cities town employees, long-term employees, whose only desire is to work for the public, and they may make a decision, in all good conscience, that they may decide not to join a particular union. My concern is that an arbitrator can come into that city or town, the arbitrator can require a union security provision, and that long-term town employee must now either join the union or pay dues.

I would like to pose a question, Mr. Speaker, to the gentlady from Portland—what will happen to the long-term employee who, as a result of arbitration, refuses to join that union or pay dues?

The SPEAKER: The gentleman from Kennebunk, Mr. Murphy, has posed a question through the Chair to the gentlady from Portland, Mrs. Beaulieu, who may answer if she so desires, and the Chair recognizes that gentlewoman.

Mrs. BEAULIEU: Mr. Speaker and Members of the House: It is very difficult to respond to that simply on the basis of what the proposal is that is being bargained at the local level.

In most of the contracts, and there are many, there are already municipal contracts that have union security clauses in them and not any two or very few of them read alike. For example, in the University of Maine Act, they do not have to join the union. If they wish to have a grievance processed for them by the union, they pay a fee for the amount of that grievance, or they can place their money, whatever the percentage is, into an educational funding account that is used to help students. So no one is forced to join the union.

In the private sector, in my own contract, we have free riders; they do not have to belong to the union. We encourage them to but they don't have to, but if they do use the union to process a grievance for them, then they pay a portion, a legitimate portion or a set portion that is set in the contract for that purpose.

So if an arbitrator were to make a decision that the proposal being worked on by management and the union as proposed to go into the contract, it would depend on what the language would be. This bill does not say what kind of clause they are to negotiate. It simply says that they may negotiate.

If I can go on a little further, Mr. Speaker, this amendment was offered in the other body and defeated. The current law which applies to the University of Maine Act and to the Maine Maritime Academy and the Vocational-Technical Institutes has no such restriction on it. Therefore, I feel that the amendment as proposed is not justified at this point in time, and if I could, I would like to ask anyone who is speaking against this amendment to indicate

to all of us here today if they know of any instance where any of the current security clauses have ever gone to arbitration?

I would further pose another question, and that is, do they know of any single individual in this state who has been fired because there is a security clause in their contract?

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

Mr. ZIRNKILTON: No, I do not know of any one who has been fired because of a negotiated security contract. I am merely trying to prevent that from happening. I would also like to remind the gentlewoman that the Speaker did not want us to discuss what the other body has done or intends to do or is currently doing—meaning the fact that the amendment was defeated in the other body.

I will make a little bit of comparison, and that is, people argue that this bill should pass because of the Taft-Hartley Act; basically, that is the only reason I can think of people are supporting it, because they feel it is not right for someone to gain the benefits that other employees are gaining as a result of paying their union dues and having a union negotiate their contracts.

Let's make a little bit of a comparison. The Maine Chamber of Commerce does a lot of good things for all of Maine's businesses, and not all of Maine's businesses pay a fee or dues or a contribution to the Maine Chamber of Commerce; they do it because they want to, because they feel the Maine Chamber of Commerce is doing good things for them and good things for the people of Maine, the State of Maine. Maybe you will submit a bill to require all of Maine's businesses to make a donation to the Maine Chamber of Commerce so that we can ensure they will continue to do good work.

Considering the fact that it has been a month, I will also assume that you have all had an opportunity by now to contact your municipal officials and ask them how they feel about this particular piece of legislation. I would also go on to assuming further that if you have, I don't expect to see too many lights against this amendment.

This amendment does nothing more than ensure the fact that a binding arbitrator or an arbitrator of any kind could not shove a union security provision down the throats of the municipal officials in any given municipality or the people that reside in that area. It does not attempt to take away their right to negotiate; it attempts to take away their right to have it shoved down the people's throats against their will. That is all we are trying to do, and I see no reason why it should fail.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: The gentleman from Mount Desert has asked for comments from a municipal official, and being one, I thought perhaps it would be appropriate that I give a few.

The opponents to this bill, or the proponents of the amendment, raised a lot of red herrings as to possible consequences if this bill is passed, but I think the point of the gentlewoman from Portland is well made, that this is only a clarification in the law. The fact of the matter is, many communities in this state already have union security provisions negotiated in their contracts. The community that I represent in Old Town has three municipal unions and two of them have fair-share clauses. We haven't experienced any of the problems that have been suggested by the opponents of this bill. As a matter of fact, personnel in the unions involved, the morale has never been any higher.

I don't see where this is a major deviation from the practice of municipalities in the state as it currently exists. It is merely a clarification in the law.

Apparently the towns like my own who have

already negotiated union security agreements did so perhaps not in violation of the law but under a section of the law that is somewhat fuzzy and needs clarification.

The red herrings that have been suggested, I ask you as you view them to remember that this isn't anything that deviates from current practice. All the scary stories that we are hearing on the floor tonight, they are not happening today.

Mrs. Beaulieu of Portland was granted permission to speak a third time.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I think it is also important, there is another perspective here that has not been brought to your attention. No matter what is negotiated, it still has to be ratified by the members of that union. So if they felt very strongly that they did not want this union security clause in their contract, they simply vote against the contract. It also has to be ratified by the municipal officials, so I think there is more than enough protection for those who wouldn't want to have this kind of security provision in their contract.

Again, I remind you, we are simply putting out a piece of legislation that says it "may" be negotiable.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Of course, it is not the members of the union in ratifying the contract who care about union security, it is those individuals who don't wish to join a union in order to work for their own city or town.

I hope that you won't force everyone in Maine who wants to work for his own city or town to have to pay dues to a private corporation because, of course, unions are private corporations. I hope that in some way we can either kill the entire bill or else pass the amendment that will make the entire bill a little bit fairer to the people in the State of Maine.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that House Amendment "A" (H-123) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

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

Mr. DILLENBACK: Mr. Speaker, I wish to pair my vote with Representative Cooper of Windham. If he were present and voting, he would be voting yes and I would be voting no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Reeves, P.; Richard, Roberts, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cote, Curtis, Daggett, Day, Dexter, Drinkwater, Dudley, Foster, Greenlaw, Gwadlosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, MacBride, Martin, A.C.; Master-

man, Masterton, Matthews, K.L.; Maybury, McPherson, Melendy, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Ridley, Roderick Salisbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Telow, Walker, Webster, Weymouth, Willey, Zirnkilton.

ABSENT—Baker, Brannigan, Carrier, Carroll, G.A.; Davis, Jacques, Jalbert, Livesay, Mahany, Norton, Racine, Rolde, Rotondi, Seavey, Strout, Wentworth.

PAIRED—Cooper-Dillenback.

Yes, 69; No, 63; Absent, 16; Paired, 2; Vacant, 1.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-three in the negative, with sixteen being absent and one vacant, the motion does prevail.

The Chair recognizes the gentleman from Manchester, Mr. Daggett.

Mr. DAGGETT: Mr. Speaker, at this time I would like to move that L.D. 812 and all of its accompanying papers be indefinitely postponed and would like to speak to my motion.

The SPEAKER: The gentleman from Manchester, Mr. Daggett, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: Some proponents of this bill claim that it merely clarifies the original intent of the legislature. This was misinterpreted by the State Supreme Court in *Churchill v. MSAD 49*, and that the legislature meant for union security to be negotiable; in fact, the legislature has never said so.

What the legislature has said in the Municipal Public Employees Labor Relations Act is that public employers are prohibited from encouraging or discouraging membership in any employee organization by discrimination in regard to the hire or tenure of employment or any term or condition of employment. (Title 26 MRSA, Section 964).

L.D. 812 would permit public employers to refuse to hire or fire employees who do not voluntarily join the union. It is precisely the opposite of the current legislative intent.

Furthermore, this bill makes another issue subject to binding arbitration, a process which, in the public sector, gives arbitrators the absolute right to override the decision-making power of local elected officials.

Mr. Speaker, I would ask for a roll call.

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: I rise to rebut the comments of the good gentleman regarding the recent Churchill decision to which he alluded. I have had occasion to review the Churchill decision and its underlying rationale.

The majority opinion in Churchill was offered by Justice Dufresne. Judge Dufresne studied the legislative intent in the municipal act which this body adopted in 1969, and his conclusion in the Churchill decision was that absent an express and specific legislative authorization, the negotiation of such a union shop or agency shop provisions in collective bargaining agreements would, in fact, contravene Section 963 of Title 26. Nowhere in the rationale or in the decision of Churchill did the law court intimate that it would be unconstitutional or improper to have such clauses negotiated into collective bargaining agreements. All it said was that "absent a specific legislative mandate or authorization those clauses could not be negotiated." And it did so in large part in reading the history of labor legislation dating back to the Wagner Act of 1935.

Since the Churchill decision, a great deal has happened but nothing more significant than the U.S. Supreme Court decision of *Aboud v. Detroit Federation of Teachers*. Now, the Aboud decision is a ringing affirmation to the right of unions to negotiate agency shop or

union shop provisions in collective bargaining contracts at the municipal level, and it is important to stress that the decision was authored by none other than Potter Stewart, the 1957 Republican President Eisenhower appointed to the U.S. Supreme Court, and it was also concurred in by none other than William Rehnquist, a leading conservative on the court, and it is instructive to look at the Abood decision as to what it tells us regarding this issue.

The primary argument which has been advanced by opponents of agency shop clauses in these contracts is that their inclusion would somehow infringe upon the freedom of association guaranteed by the First and Fourteenth Amendments to the U.S. Constitution.

In the Abood decision, the Supreme Court took that issue head on and rejected it on its merits, holding instead that the principle of exclusive union representation is a viable and central element in the structuring of industrial relations in this country. The court went on to point out that designating a specific union as the exclusive representative of the workers carries great financial implications upon the union, requiring it in many cases to expend funds for staff, negotiators, economists, researchers in order to fairly and equitably represent all workers at the municipal level. In order to do that, obviously substantial funds are required and it would be unfair to require the majority of workers who support the union to carry the load for all workers.

I quote from the Abood decision where the court said: "The union security issue in the public sector is fundamentally the same issue as it is in the private sector. No special dimension results from the fact that a union represents public rather than public employees. A public employee who believes that a union representing him is urging a course that is unwise is not barred from expressing his viewpoint. Besides voting in accordance with his convictions, every public employee is largely free to express his own views in public or in private, orally or in writing."

So, the Abood rationale really is a ringing affirmation, again, through the principle of collective bargaining at the municipal level. I cannot underscore the concern that I have and the majority of the Committee on Labor had if we reject the bill before us this afternoon.

Practically speaking, if we don't allow these clauses to be negotiated, that is a central deterrent or major deterrent, really, to the organization of unions at the local level.

I would only, in closing, underscore the remarks of Representative Beaulieu that this is a permissive item of negotiation; it is not mandatory and that is important. That means that the union can put this item on the table at the collective bargaining talks. It is not mandatory, so that item does not have to be considered at the local level. For the union to get this kind of clause into a contract, it has to make many concessions. I think you should bear that in mind, as well as the policy implications of the Abood decision which I described to you, in voting on this measure.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I feel very strongly about this issue because I really do not believe that someone should have to join a union in order to work for his or her own municipality.

I would like to point out to you all that these union dues aren't \$5 or \$10. We are talking about \$200 or \$300, which can be a substantial amount out of a paycheck of someone who isn't making a great deal of money, let's say a garbage collector or somebody like that in your municipality.

I would also like to point out to you that this could severely affect your municipalities in their ability to hire the best people. Let's think, for example, in our school systems, and we all certainly want high quality teachers in our

school systems—what would happen in a situation in which the school wanted to hire a certain teacher to teach, let's say mathematics, an area in which it is rather difficult to find an excellent teacher, and the teacher that that municipality wanted to hire said, hey, wait a minute, I refuse to join the union once I am hired. I won't take the position because I don't want to join that union. What I am saying is that by allowing union security, we could be affecting excellence in our schools, we could be affecting the ability of someone who has, perhaps, the lowest classification of a job to continue to maintain even that job. I really feel that it is wrong to force a person to pay dues to a private corporation in order to work for his or her own municipality.

I hope that you will join us in defeating this bill.

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

Mr. TUTTLE: Mr. Speaker and Members of the House: I wasn't planning to speak on this bill; I did the last time it came up. I think it is unfortunate that we are getting away from what this bill is really attempting to do. All it is doing is allowing the employees to negotiate something.

I am a selectman in my community, I think we all worry about some of the things that some of the opponents are trying to bring up, but this bill doesn't do that. If you read the statement of fact, all it says is that it allows employees to negotiate something in the contract. That is all this bill is doing.

Mr. Cashman brought up the idea about red herrings, I think that is a very good idea of what I think the opponents of this bill are trying to do.

All this bill is attempting to do is allow those employees to negotiate something in the contract; that is all the bill is doing. Therefore, I hope that you will support the bill we have before us; I think it is a good bill, it is a reasonable bill, and all it is doing is allowing those employees to negotiate something in their contract.

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

Mr. ZIRNKILTON: Mr. Speaker and Members of the House: There seems to be a bit of inconsistency here. Representative Tuttle said, all we are doing is allowing employees to negotiate union security. Representative Gauvreau says the law court has already upheld the employee's right to negotiate union security. The gentlewoman from Portland, Representative Beaulieu, says we already have union security negotiated in certain contracts in the state. Well, if that is the case, ladies and gentlemen, why do you need a bill? If they already have the right, if they are currently doing it, if it already exists, this is a worthless, wasted piece of paper.

It is my feeling that all we are trying to do is not to take away their right to negotiate union security. Again, as I have said many times before, we are only trying to prevent it, just like wages, pensions and insurance, from being subject to binding arbitration. That is what we were trying to do with the amendment anyway. I hope that you will defeat the bill because it just doesn't make sense to me, if they have the right to do it now, why you think you need to pass this piece of legislation.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: In the University of Maine Act, vocational-technical institutes and the Maine Maritime Academy, there is a clear, explicit, statutory authorization to allow agency fee negotiating. There is none in the municipal act; therefore, this law is clearly meant to indicate that union security is a negotiable item in contracts with municipal employees. That is why the law is here and I am trusting that you will not support the motion before you.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker and Members of the House: I thought this legislature at one point in time gave municipalities in the state home rule. I don't know what we are doing down here passing rules and regulations regarding municipal employees. I would think that would up to the selectmen and the town meetings to decide these issues, not us here in Augusta.

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 Mount Desert, Mr. Zirnkilton.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Before you vote, I just, again, want to mention one thing, and that is, the bill does what they say it intends to do—it allows for negotiation of union security provisions, but I want to point out some flaws in the bill. It does not, as I said earlier, address Section 963 of the Municipal Public Employees Labor Relations Act. There is going to be a conflict in the law and this is not addressed.

I would pose a question through the Chair as to what they feel this will do. If this in fact becomes law, I will certainly offer anyone to take a look at this and see what they feel the conflict will be.

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

Mr. GAUVREAU: Mr. Speaker, very simply, this statute directly responds to the concerns of the majority in the Churchill decision that was interpreting Section 963. That case again, Churchill said that under Section 963 of Title 26, you can't negotiate these agency shop provisions absent an expressed legislative intent. This bill will provide that expressed legislative intent.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: If there had been a conflict in the law, it certainly would have been pointed out very clearly to us by the Maine Labor Relations Board, and in their document, the review of the legislative proposal sent to us, that was not cited and therefore I feel that it is where it belongs and appropriately so.

The SPEAKER: The pending question is on the motion of the gentleman from Manchester, Mr. Daggett, that this bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

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

Mr. DILLENBACK: Mr. Speaker, I wish to pair my vote with Representative Cooper. If he were here, he would be voting no; I would be voting yes.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Conners, Curtis, Daggett, Day, Dexter, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Kilcoyne, Lebowitz, Lewis, MacBride, Macomber, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Melendy, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salisbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Telow, Walker, Webster, Weymouth, Willey, Zirnkilton.

NAY—Ainsworth, Allen, Andrews, Beaulieu,

Benoit, Bost, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Reeves, P.; Richard, Soule, Stevens, Swazey, Tanmaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Baker, Brannigan, Carrier, Davis, Jacques, Jalbert, Livesay, Mahany, Racine, Rolde, Rotondi, Seavey, Strout, Wentworth.

PAIRED—Cooper-Dillenback.

Yes, 67; No, 67; Absent, 14; Paired, 2; Vacant, 1.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-seven having voted in the negative, with fourteen being absent, two paired and one vacant, the motion does not prevail.

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

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Victims' Bill of Rights" (H. P. 630) (L. D. 782) reporting "Ought to Pass" in New Draft (H. P. 1192) (L. D. 1578)

Report was signed by the following members: Senator:

TRAFTON of Androscoggin
— of the Senate.

Representatives:

DRINKWATER of Belfast
JOYCE of Portland
CARRIER of Westbrook
LIVESAY of Brunswick
FOSTER of Ellsworth
SOULE of Westport
HAYDEN of Durham
HOBBINS of Saco
BENOIT of South Portland
— of the House.

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

Report was signed by the following members: Senators:

COLLINS of Knox
VIOLETTE of Aroostook
— of the Senate.

Representative:

REEVES of Newport
— of the House.

Reports were read.

On motion of Mr. Hobbins of Saco, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

The following Communication:

The Senate of Maine
Augusta

May 10, 1983

Honorable Edwin H. Pert
Clerk of the House
111th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Insist and join in a Committee of Conference on "An Act to Require the Wearing of Protective Headgear by all Motorcycle, Motor Driven Cycle and Moped Riders" (H. P. 836) (L. D. 1072).

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered

placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act Placing the Burden of Justification for any Land Use Control Measure on Municipalities once a Prima Facie Showing of Exclusion has been Demonstrated" (S. P. 83) (L. D. 214)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act Relating to the Fee for Camp Lot Leases on Public Lands" (S. P. 201) (L. D. 623)

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

Ought to Pass as Amended

Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-101) on Bill "An Act to Clarify the Administration of the Department of Labor" (S. P. 333) (L. D. 978)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-101) as amended by Senate Amendment "A" (S-102) thereto and Senate Amendment "A" (S-108)

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-101) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-102) was read by the Clerk.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: Just a point of clarification. There are two Senate Amendment "A's", are we on filing number S-102?

The SPEAKER: The Chair would advise the gentleman that that is correct.

Mr. SPROUL: Mr. Speaker and Members of the House: I am somewhat unprepared to speak on this but I feel that I must give you a report as to what happened.

This Senate Amendment would change the wording of the bill which was put out unanimously by the State Government Committee. I want to make very clear that this amendment is not an amendment of a technical nature or anything like that.

This point was discussed thoroughly in committee, we spent several hours going over this major piece of legislation and it was unanimously voted on in committee that we did not want the Commissioner of Labor to have a veto power over rules and regulations promulgated by the Employment Security Commission.

Therefore, I would hope that you people would back up the unanimous committee report and defeat this. Mr. Speaker, I move that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed and I would request a Division.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: In deference to Representative Sproul of Augusta, let me further explain some background on this particular bill.

This is somewhat of an omnibus Department of Labor bill; it has some 41 sections in it. The gentleman from Augusta is exactly right, we spent a great deal of time on several of these sections. At one point in time, we explained to the interested parties, whether it be the Department of Labor or the Associated Industries of Maine, whoever it happened to be, if there were certain sections that they were absolutely not going to agree on, that they should put these sections in as a separate piece of legislation, or the other route which they have

chosen to do, the amendment they have put on in the other body, this Senate Amendment.

Since the gentleman from Augusta has moved for the indefinite postponement of this Senate Amendment, let me clarify exactly what this Senate Amendment attempts to do. This Senate Amendment was sponsored by Senator Pray and it would appear that the Senate Amendment "A" to the Committee Amendment "A" is intended to more precisely define the distinction between the administrative roles of the Commission of Labor and the adjudicatory role of the Unemployment Insurance Commission.

First of all, while the Committee Amendment had made it clear that the Commissioner has the necessary authority to manage the Bureau of Employment Security, the Senate Amendment authorizes the commissioner to determine the operational procedures for the administration of this chapter. This is certainly not a dramatic change from the original committee amendment.

The second part of the Senate Amendment would require the consent of the Commissioner of Labor prior to any rules that the Unemployment Insurance Commission may adopt. The premise of this change is that any rules that the Unemployment Insurance may adopt with respect to unemployment insurance could have a substantial impact on the Commissioner's administration and, more specifically, on the operation of the Bureau of Employment Security.

Finally, the Senate Amendment, the last aspect of it, addresses a provision which further differentiates the administrative and adjudicatory roles of the Commissioner of Labor and of the Unemployment Insurance Commission and this aspect addresses a concern the Attorney General raised.

In the Senate Amendment, it would propose to retain the provision in the original bill which was brought before the committee, which established the Commissioner of Labor as a single party defendant in any appeal and the premise for this particular proposal in the amendment is that the Commissioner of Labor represents the Department of Labor in which the decision is being made and probably is the more proper individual to represent the department in court. In addition, there are many who would believe that a single party defendant would simplify the procedure for an appeal to the court, so I raise these explanations to respond to some of the concerns that Representative Sproul has made.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I was a cosponsor on this bill and I distinctly remember attending a work session and indicating to the committee that I felt very strongly that we should begin to define whether or not the commissioner is going to be the head man of the Department of Labor if he was not. In our own committee, the Labor Committee, a similar amendment or L.D. was brought to this body and is not law which uses the same language, "with advice and consent of the Commissioner," concerning training under the Unemployment Compensation Act.

I understand the committee worked very hard on this particular bill and I am not opposed to the fact that an amendment has been put on the floor from anyone; after all, that is the process that we should be using if we wish to make the point to get something done. So I am supportive of the amendment brought before you because I think it is a legitimate one.

The Employment Security Commissioner comes under the auspices of the Bureau of Labor. The commissioner is the boss. Why should rules be promulgated by any division under that bureau without the commissioner at least having a voice in that process? So I don't feel that the amendment is without merit and I would ask that we support the amend-

ment. I think it is appropriately before us and is very appropriate under the circumstances considering the nature of this bill, which is to review and revise the bureau.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: The lady from Portland is exactly right; the bill, not just in this section but in any sections, talked about and addressed the issue about who was going to be in charge of the Department of Labor, and in every instance we came down and made certain corrections in the statutes to give the Commissioner certain authority, but in every instance in this bill where the Employment Security Commission is involved, we thought that they should be somewhat autonomous, set off to the side, simply by the nature in which they are set up. To pass this amendment would fly in the face of several other sections of that same piece of legislation.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Augusta, Mr. Sproul, that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Higgins of Scarborough requested a roll call.

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 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 Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I hope on this roll call that you will support the position of the State Government Committee. It is discouraging to spend hours and days working on a bill to correct it and then come to an agreement where you get a unanimous vote out of committee to pass the bill and have all the people who are concerned, including the commissioners and everyone else in there, and we come to a mutual agreement, and then have somebody throw a clog into the wheel here. You see, there is some money involved here. The monies are the fees paid by business for some of the problems that arise in this commission and that fund is controlled by the commissioner and the commissioners. The way we set this up is that the commissioner should run his department. The commissioner shouldn't have anything to do with it but on certain instances, it takes a vote of both of these people to distribute the funds. It is a simple thing and I hope that you support us in doing away with this amendment.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Augusta, Mr. Sproul, that Senate Amendment to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Day, Dillenback, Drinkwater, Foster, Greenlaw, Handy, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, MacBride, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Webster, Weymouth, Willey, Zirnkilton.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Brodeur, Carroll, D.P.; Carroll,

G.A.; Carter, Cashman, Chonko, Clark, Cote, Cox, Crouse, Crowley, Daggett, Dexter, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paul, Perry, Pouliot, Reeves, P. Richard, Ridley, Roberts, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammara, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Baker, Brannigan, Carrier, Connolly, Cooper, Davis, Dudley, Jacques, Jalbert, Livesay, Mahany, Paradis, P.E.; Racine, Rolde, Rotondi, Seavey, Strout, Wentworth.

Yes, 56; No, 76; Absent, 18; Vacant, 1.

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

Thereupon, Senate Amendment "A" to Committee Amendment "A" (S-102) was adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" (S-101) was adopted in concurrence.

Senate Amendment "A" (S-108) was read by the Clerk and adopted.

The Bill was assigned for Second Reading tomorrow.

Non-Concurrent Matter

Bill "An Act Relating to the Licensing of Dental Radiographers" (H. P. 996) (L. D. 1329) which was passed to be engrossed as amended by Committee Amendment "A" (H-200) in the House on May 9, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-200) and Senate Amendment "A" (S-109) in non-concurrence.

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

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Improve Access to Small Claims Court" (H. P. 480) (L. D. 577) on which the Minority "Ought to Pass" Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed in the House on May 9, 1983.

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

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and tomorrow assigned.

House Reports of Committees

Divided Report

Tabled and Assigned

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" on Bill "An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities" (H. P. 1048) (L. D. 1392)

Report was signed by the following members:

Senators:

KANY of Kennebec
McBREAIRTY of Aroostook
PEARSON of Penobscot

— of the Senate.

Representatives:

HALL of Sangerville
JACQUES of Waterville
MICHAEL of Auburn
MICHAUD of East Millinocket
RIDLEY of Shapleigh
McGOWAN of Pittsfield
MITCHELL of Freeport

— of the House.

Minority Report of the same Committee

reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Representatives:

DEXTER of Kingfield
KIESMAN of Fryeburg
BROWN of Livermore Falls

— of the House.

Reports were read.

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

Mr. HALL: Mr. Speaker, I move the acceptance of the Majority "Ought to Pass" Report.

On further motion of the same gentleman, tabled pending his motion to accept the Majority "Ought to Pass" Report and tomorrow assigned.

Consent Calendar

First Day

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

(H. P. 1066) (L. D. 1404) Bill "An Act to Address School Failure in Kindergarten and Early Elementary Grades" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-221)

(H. P. 389) (L. D. 472) Bill "An Act to License Waste Oil Dealers and to Include Waste Oil Within Coverage of the Maine Hazardous Waste Fund" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-223)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 11th, 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:

(S. P. 447) (L. D. 1368) Bill "An Act to Make Extreme Anger or Extreme Fear Brought About by Adequate Provocation an Affirmative Defense which Reduces Murder to Manslaughter, and to Create the Crime of Intentional or Knowing Manslaughter"

(H. P. 877) (L. D. 1131) Bill "An Act to Revise the Truancy Laws" (C. "A" H-213)

(H. P. 788) (L. D. 1030) Bill "An Act to Conform State Antitrust Laws with Federal Antitrust Laws" (C. "A" H-216)

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

Passed to Be Engrossed

Bill "An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration" (S. P. 539) (L. D. 1574)

Bill "An Act to Permit Barbers to Cut Hair Outside of Barber Shops" (H. P. 293) (L. D. 352) (C. "A" H-215)

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

Bill "An Act to Reform the Workers' Compensation System" (Emergency) (H. P. 1019) (L. D. 1322) (C. "B" H-217)

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

Mrs. Ketover of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-226) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "B" and

House Amendment "A", and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

The Following Joint Order: (S. P. 544)

ORDERED, the House concurring, that "AN ACT to Promote the Development of Human Resources in Rural Areas of Maine," S. P. 441, L. D. 1348 be recalled from the Governor's desk to the Senate.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The Chair laid before the House the following matter:

An Act to Establish New Selection Procedures for the Maine Indian Tribal-State Commission Chairmanship (S. P. 342) (L. D. 1016) (C. "A" S-76) which was tabled and later assigned pending passage to be enacted.

On motion of Mrs. Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-220) was read by the Clerk.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Briefly, this is following through on our change of the Joint Rules. It simply says that both the tribes and the state have agreed to this change.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

Bill "An Act to Establish a Commission to Review and Evaluate the University of Maine System" (S. P. 537) (L. D. 1566) which was tabled and later today assigned pending passage to be engrossed.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be engrossed and tomorrow assigned.

(Off Record Remarks)

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