

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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**FOURTH CONFIRMATION SESSION**

**(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)**

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**July 11, 1984**

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**THIRD SPECIAL SESSION**

**September 4, 1984 to September 11, 1984**

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**HOUSE**

Friday, February 17, 1984

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

Prayer by Reverend Irving Howard of Har-  
rington, Congregationalist (Retired).

The Journal of Thursday, February 16, 1984,  
was read and approved.

**Papers from the House**

The following Joint Resolution: (S. P. 772)

**JOINT RESOLUTION CALLING FOR AN  
INVESTIGATION OF HEATING OIL PRICES**

WHEREAS, a great many homes and busi-  
nesses in Maine are heated with oil; and

WHEREAS, the price of heating oil in Maine  
has jumped from \$1.05 a gallon to \$1.24 a gal-  
lon since December; and

WHEREAS, suppliers' inventories of heating  
oil in New England are down by 38% over the  
same period, which may have contributed to  
this price jump; and

WHEREAS, the weather in Maine, since Sep-  
tember, has been a little warmer than an aver-  
age year; and

WHEREAS, there have been no reports of in-  
ternational disruptions in the supply of petro-  
leum; and

WHEREAS, these conditions have created a  
hardship for the people of Maine who depend  
on oil, with no apparent economic justification;  
and

WHEREAS, the Revised Statutes, Title 10,  
section 1105, prohibits unreasonable profits in  
the sale of necessities, including fuel of all  
kinds; now, therefore, be it

RESOLVED: That We, the Members of the  
111th Legislature, assembled in the Second  
Regular Session, do hereby respectfully request  
that the Office of Energy Resources investigate  
the inventory practices of the heating oil sup-  
pliers and work to ensure that adequate inven-  
tories will be available for use within this State;  
and be it further

RESOLVED: That the Office of Energy Re-  
sources refer to the Attorney General any evi-  
dence of price fixing or other potentially illegal  
anticompetitive activities; and be it further

RESOLVED: That the Office of Energy Re-  
sources report to the Legislature, on or before  
April 1, 1984, on the findings of their investiga-  
tion, together with any recommendations they  
may have.

Came from the Senate, read and adopted.  
Was read and adopted in concurrence.

Bill "An Act to Amend the Trustee Appoint-  
ment Process of the Cumberland County Re-  
creation Center to Make it Conform More  
Closely to New Legislative Redistricting (S. P.  
771) (L. D. 2092)

Came from the Senate, referred to the Com-  
mittee on Local and County Government and  
Ordered Printed.

Was referred to the Committee on Local and  
County Government in concurrence.

**Reports of Committees  
Unanimous Leave to Withdraw**

Report of the Committee on Labor reporting  
"Leave to Withdraw" on Bill "An Act to Clarify  
Authority and Limit Liability Issues in Com-  
munity Service Work Programs" (S. P. 694) (L.  
D. 1926)

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

**Communications**

The following Communication: (S. P. 773)  
**THE SENATE OF MAINE**

Augusta

February 15, 1984

Joy J. O'Brien  
Secretary of the Senate  
State House  
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to my authority under Title 1,  
M.R.S.A. Chapter 25, sub-section 1002, I am  
today reappointing Douglas I. Hodgkin of Le-  
wiston to the Commission on Governmental  
Ethics and Election Practices.

Sincerely,  
S/SAMUEL W. COLLINS Jr.  
Senate Minority Leader

Came from the Senate, read and ordered  
placed on file.

Was read and ordered placed on file in con-  
currence.

The following Communication:

State of Maine

Executive Department

**OFFICE OF ENERGY RESOURCES**

State House Station 53

Augusta, Maine 04333

The Honorable John L. Martin  
Speaker of the House  
Maine House of Representatives  
Station 2

Augusta, ME 04333

Dear Speaker Martin:

As required by Private and Special Law 1983,  
Chapter 54, I am pleased to transmit to you the  
final report of the Ethanol Study Committee.  
The report contains proposed legislation that  
should be considered in conjunction with LD  
418, An Act Temporarily Reducing the Excise  
Tax on Internal Combustion Engine Fuel En-  
hanced with Ethanol, which was held over  
from last session.

Please note that while the Office of Energy  
Resources provided the staff support for the  
Committee, we have not taken a position on  
the Committee findings or recommendations.

Sincerely,  
S/JOHN M. KERRY

Was read and with accompanying report or-  
dered placed on file.

The following Communication: (H. P. 1584)

State of Maine

House of Representatives

**MAJORITY OFFICE**

Augusta, Maine 04333

February 13, 1984

Honorable Edwin H. Pert  
Clerk of the House  
State House  
Augusta, Maine 04333  
Dear Clerk Pert:

In accordance with 1 M.R.S.A., Section 1002,  
sub-section 1B, I have the honor of presenting  
to the House of Representatives the nomina-  
tion of Jerome B. Goldsmith, 116 Hammond  
Street, Bangor, Maine, to the Commission on  
Governmental Ethics and Election Practices.

I feel Mr. Goldsmith will contribute a great  
deal to this Commission and respectfully ask  
the House to confirm this nomination.

Sincerely,  
S/ELIZABETH H. MITCHELL  
Majority Floor Leader

The Communication was read and ordered  
placed on file.

The SPEAKER: The pending question is on  
confirmation. This requires a two-thirds vote  
of all those present and voting. All those in  
favor will vote yes; those opposed will vote no.  
A vote of the House was taken.

91 having voted in the affirmative and 1 in  
the negative, the nomination was confirmed.  
Sent up for concurrence.

The following Communication: (H. P. 1585)

State of Maine

House of Representatives

**SPEAKER'S OFFICE**

Augusta, Maine 04333

February 13, 1984

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

Dear Clerk Pert:

This is to notify you that I have today ap-  
pointed Richard W. Smith, of Bath, to serve as a  
member of the Commission on Governmental  
Ethics and Election Practices pursuant to my  
authority under Title 1, M.R.S.A., sub-section  
1002.

Sincerely,  
S/JOHN L. MARTIN  
Speaker of the House

The Communication was read and ordered  
placed on file.

The SPEAKER: The pending question is on  
confirmation. Pursuant to MRSA Subsection  
1002, Title 1, this requires an affirmative vote  
of two-thirds of the members present and vot-  
ing. All those in favor will vote yes; those op-  
posed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and none  
in the negative, the nomination was confirmed.  
Sent up for concurrence.

**Petitions, Bills and Resolves  
Requiring Reference**

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

**Transportation**

Bill "An Act to Require All Drivers Under the  
Age of 20 Years to Complete an Approved Def-  
ensive Driving Course" (H. P. 1582) (Presented  
by Representative Bost of Orono) (Cosponsors:  
Representatives Benoit of South Portland, Di-  
amond of Bangor and Senator Hayes of Pe-  
nobscoot) (Submitted by the Department of  
Public Safety pursuant to Joint Rule 24)

Ordered Printed.

Sent up for concurrence.

**Reported pursuant to the Statutes**

Speaker Martin for the Forest Fire Control  
Advisory Council, pursuant to Public Law  
1983, chapter 556, section 22 ask leave to sub-  
mit its findings and to report that the accom-  
panying Bill "An Act to Amend the Forest Fire  
Control Laws and Change the Method of Fund-  
ing Forest Fire Control Services" (Emergency)  
(H. P. 1581) (L. D. 2093) be referred to the Joint  
Standing Committee on Taxation for public  
hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill  
referred to the Committee on Taxation, or-  
dered printed and sent up for concurrence.

**Consent Calendar  
Second Day**

In accordance with House Rule 49, the fol-  
lowing items appeared on the Consent Cal-  
endar for the Second Day:

(S. P. 706) (L. D. 1953) Bill "An Act Relating  
to Conferring of Degrees by the Yacht Design  
Institute Schools" (C. "A" S-288)

(H. P. 1389) (L. D. 1814) Bill "An Act to Estab-  
lish the Boundary Between the Town of Burn-  
ham in the County of Waldo and the Town of  
Clinton in the County of Kennebec and Be-  
tween the Town of Burnham in the County of  
Waldo and the Town of Pittsfield in the County  
of Somerset"

No objections having been noted at the end  
of the Second Legislative Day, the Senate Paper  
was Passed to be Engrossed as Amended in  
concurrence and the House Paper was Passed  
to be Engrossed and sent up for concurrence.

**Passed to Be Engrossed**

Bill "An Act to Authorize the Public Utilities  
Commission to Return to Firm Customers the  
Profits from Sales of Gas to Interruptible  
Users" (Emergency) (H. P. 1578) (L. D. 2088)

Was 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 Clarify Return to Work Provi-

sions Under the Workers' Compensation Law" (H. P. 1402) (L. D. 1824)

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

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

House Amendment "A" (H-471) was read by the Clerk.

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

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The original L. D. 1824 in front of you deals with 66-A of the Workers' Compensation Statutes. Under the present law, a commissioner has the authority to override a collective bargaining agreement when returning an injured employee to work, to bring them back to work in a less strenuous capacity that would enable them to return to work because whatever disability they may have suffered would not allow them to go to work back in their normal position.

There are some problems. Obviously, collective bargaining agreements, if one would try to keep them intact one must be concerned about the seniority of employees that have been there for a period of time and we certainly don't want to displace them if we don't have to. But there are some additional problems that go along with this. One, if you have somebody who is injured, you want to do everything you can to get them back to work, even if that means bringing them back in a position that they normally wouldn't have, even if that position requires a little more seniority than they happen to have, because the most important thing is to get them back to work to reduce the potential cost to the system and, most importantly, to allow that employee the opportunity to continue to make a living and not be forced to collect workers' compensation for an extended period of time.

This amendment merely says that that employee can only return to work in an outside position that normally requires more seniority for a period not longer than one year. This insures that the employees who have the seniority they have gained over a period of years are not going to be displaced on a permanent basis.

I would hope that you would remember that the Speaker's Select Committee on Workers' Compensation Reform is going to be dealing with rehabilitation, and I would hope we would allow them the opportunity to make their recommendations to us and see what we can do at that time.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the comments made by Representative Zirkilton, but I feel very strongly that this amendment is not in order, and I move to indefinitely postpone this amendment, basically because we have brought to you a bill that asks you to support the fact that collective bargaining agreements should not be circumvented in the name of returning an injured worker back to the job. That is the main body of the bill that you are going to be entertaining.

This amendment, in my opinion, puts a non-negotiated process into statute that in effect puts a clause in all contracts everywhere in this state that employers and unions are going to have to abide by, and I find that totally inconsistent with the bill that we have before us. While the intent and the effort is an honorable one, I think the potential exists here, aside from the fact that this is not germane or not really addressing the main body of the bill, that an employer could bring back one injured worker, put him in a job for one year, and at the end of that year bring in another injured worker and that can go on forever and forever and forever. The end result is that the basic collective bargaining agreement is still circumvented. In other words, it's a third party interference in an agreement between the em-

ployer and the employee representatives.

I feel very strongly that we should not accept the amendment and deal with the bill that we have brought before you.

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

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The employer does not have the authority to bring an employee back to work in positions that override the collective bargaining agreement; that can only be done by the Workers' Compensation Commissioners, so you do not have a situation where the employer is going to bring someone back for one year and then another employee back for another year.

These are things that the Workers' Compensation people are going to have to bear in mind. The employer does not have the authority to override the collective bargaining agreement. Under the law, the way it is interpreted today, only the Workers' Compensation Commissioner can do so. This amendment merely addresses the present law and says that the commissioner, in his or her wisdom, cannot return that person to a position that requires more seniority for a period greater than one year. This amendment takes a little bit of the authority of the commissioners away at this time. It recognizes the importance of seniority, it recognizes that these people should not be denied the opportunity to have the positions that they have worked for for a long period of time. At the same time, it recognizes the potential cost to the system, which could perhaps be millions of dollars if we don't get these people back to work. It recognizes that one of the most important things in workers' compensation is to rehabilitate those that are injured, to get them back to work in whatever capacity they can fill, to give them the opportunity to make a decent living to keep their family up to a standard of living to which they may have become accustomed.

We're not trying to do anything to collective bargaining agreements; we're actually taking away some of the authority that the commissioners now have.

Again I would ask you to wait and see what this body is going to do with the rehabilitation.

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: I would like to speak briefly to the amendment offered to you this morning by the good gentleman from Mount Desert Island. He has mentioned to you that the Speaker's Select Committee on Workers' Compensation is going to deal with this specific problem in the context of rehabilitation. It is my understanding and the committee's understanding that that is not the case, that that committee is not going to deal with this particular problem and that the issue is squarely before us this morning and will not be resolved unless we do deal with it.

This is a complicated issue and we are trying to simplify it for you this morning. The issue of the authority of the commission to supplant an existing collective bargaining agreement is still up in the air. One commissioner on the present commission has ruled that she has authority to do that; the other commissioners are not so certain, so there is a question of law here.

What the bill is designed to do is to once and for all settle this issue.

The critical point in my view, and the opinion of the majority of the committee, was that we cannot allow a state agency to come in and interfere with an existing collective bargaining agreement.

What Representative Zirkilton is proposing to do is to allow the Workers' Compensation Commission to come in and in some cases set aside a contract which has been the product of negotiation between management and labor. It is our opinion that issues such as this, are really trying to resolve a conflict between two

innocent parties, that is an injured worker and also a senior employee who has seniority rights, that issue really is better left to the bargaining table and it is better left to labor and management to work out together in the context of a collective bargaining agreement. If we let the state in this case come in and interfere with that contract, we're establishing a very, very dangerous principle. We are allowing the state to come in and set aside negotiated contracts, and it is for that reason that the majority of the committee on labor felt that this principle should not be adopted and that we should allow the parties to continue to negotiate these matters. For that reason, I would join my colleague from Portland today in urging the indefinite postponement of this amendment.

Also, I would ask that when the vote is taken, it be taken by the yeas and nays.

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

Mr. ZIRNKILTON: Mr. Speaker, I would pose a question to anyone who may be able to answer this. If there are any members present who serve on the Speaker's Select Committee on Workers' Compensation Reform, could that person please tell the members of this body whether or not the Select Committee is going to be dealing with rehabilitation and specifically whether or not this particular clause might be included in that examination.

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

The Chair recognizes the gentlewoman from Waterville, Mrs. Joseph.

Mrs. JOSEPH: Mr. Speaker, Men and Women of the House: I serve on the Speaker's Select Committee on Workers' Compensation and in fact we will be bringing a bill on rehabilitation and returning employees to work at the earliest opportunity.

I hope that answers the gentleman's question.

Representative Gauvreau of Lewiston requested a roll call on the motion to indefinitely postpone House Amendment "A".

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Portland, Mrs. Beaulieu, that House Amendment "A" (H-471) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### Roll Call No. 361

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Brodeur, Brown, A.K.; Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Poultier, Racine, Reeves, P.; Richard, Roberts, Rolde, Rondini, Smith, C.B.; Soucy, Soule, Stover, Swazey, Tammaro, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, A.K.; Callahan, Carroll, G.A.; Conary, Conners, Cooper, Curtis, Daggett, Davis, Day, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Pines, Randall, Reeves, J.W.; Ridley, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Sproul, Stevenson, Strout, Telow, Walker, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Benoit, Bost, Brannigan, Cahill, Carrier, Dexter, Dudley, Hayden, Hobbins, Jackson, Jalbert, Kelleher, Locke, McCollister, Small, Stevens, Thompson, Webster.

78 having voted in the affirmative and 54 against, the motion to indefinitely postpone House Amendment "A" prevailed.

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

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: Now that this amendment has been defeated, I guess we address the bill itself which to me is extremely obnoxious and it is extremely difficult for anyone to understand who has not been involved in Workman's Comp and union matters for a long, long time.

What we are faced with really is, are we going to put injured workers back to work or are we not? In many instances, a worker is out injured for a short length of time, such as a strained back or something like this, the doctors universally agree that he could go back to work in a job less strenuous than he had before, which makes a lot of sense to me. In almost every instance this occurs and it becomes particularly difficult to do this. As far as I can determine from the testimony given at the hearing it is only one location, namely the Great Northern Paper Company in Millinocket who has had a problem with this thing. What they are saying in effect is, if a person is out injured with an injury and recovers to the point where he can return to work, no, he cannot return to work until he is fully recovered. He can stay out on Workman's Comp forever as far as they are concerned with a very simple expedient of a labor contract being overridden to a state statute.

66-A says very clearly that the Commission, in an instance such as this, can order the company to put these people back to work in a job opening where they are capable of doing the work.

If we don't put them back to work, whether it is a temporary injury or whether it is a permanent injury, what do you suggest we do with these people? Do you suggest we throw them on the scrap heap for life so they will never be able to earn another honest dollar in their life? Is that what they are suggesting? Is that union brotherhood, for heaven sake? That is apparently what it seems to be. The only place in the world that this happens as far as testimony indicated was Great Northern Paper Company. The problem there is that they can negotiate this sort of thing in a contract as most outfits have already done. I understand Bath Iron Works has an agreement between the company and the people to take care of this event by union contract and everybody is happy about the process. This can be negotiated and should be negotiated, but if you will notice the trend here in the last couple of years, anything the union doesn't care to negotiate, they bring to this body because it is easier to get it through here than it is to negotiate it. That is exactly what is happening.

There is another avenue of appeal here too. If anyone does not like the order of a commissioner, they can appeal the decision. It is open, it is both-ended, anybody who does not like any decision can appeal it, and the amazing thing to me is that it never has been appealed, so that is the first avenue that should be taken care of.

The next one should be that it should be negotiated in a contract rather than trying to keep these people from gainful employment for the rest of their lives.

I urge you to vote no on this and I would ask for the yeas and nays.

The SPEAKER: A roll call has been requested.

The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: It is pretty hard to follow the testimony that Mr. Willey gave you, but

ninety-nine percent of it is not true.

First of all, I am the sponsor of this bill and we are very much in favor of bringing workers back to work. We are very much in favor of bringing workers back to work on a job that they got hurt on. We are not in favor of bringing workers back to work in an area where they did not get hurt. Say I am a pipefitter at Great Northern Paper Company, I am an injured worker, the commissioner rules that I must go back to work in a field other than the field that I got hurt on—for instance, as a worker on pulp and sulfite—a person in the pulp and sulfite area may have more seniority than I have. I don't think it is right for a person to move into an area that is not his job and bump a person with more seniority.

We are all in favor of bringing that injured worker back to work; there isn't any one of us against that. The only thing we feel is that the jurisdiction, union collective bargaining process, stands.

A worker from Bath Iron Works came down and testified in favor of this. The Workers' Compensation Commissioner wants something done with the ruling that was passed by Susan Smith some two or three years ago. There isn't any of us against bringing a worker back to work.

I hope you do not support the motion that was brought to you today and go with the bill itself. There is a great need for this out in the work place. A lot of you do not have any idea what it is to work in some of these places and we are all in favor of bringing the injured worker back to work.

Before I came down here, I spent some 15 years taking care of injured workers and that was one of the primary goals with us, the union, to bring these people back into the work place as fast as possible. But a lot of these people who get hurt in the work place exceed a year, two years. When it comes to an industry injury, some of these people are out for a long period of time.

I wish you would give it a lot of thought today and follow my light when it comes to a vote and put this to rest once and for all and put these people where they belong, the ones who supported the minority, with the majority once and for all.

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

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: As the gentlelady from Waterville said briefly a moment ago, the Speaker's Select Committee is going to be addressing this problem. They will be reporting back to this body with a bill and I would hope that you would wait until we can see the recommendations of that bill, deal with the bill at that time and then make any changes if necessary. If we go on our own at this time putting in bills such as this which do present a possibility of a substantial financial impact to the system, then we will defeat the entire purpose of the committee.

I would hope that you would defeat this piece of legislation today, perhaps come back next year and pass it if it continues to be necessary, although the problems have only arisen very recently, they did not exist a period of time ago. I don't know why it is here.

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

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Millinocket suggested my comments were ninety-nine percent wrong. That is a little less than my batting average usually is. I don't think it is all that bad. I think everything that I said was factual. I think what he meant to say is that he is ninety-nine percent in disagreement with what I said.

The fact remains that they had ample opportunity to overcome Mrs. Smith's decision in this case by avenue of appeal and that having failed they could have gone to the courts, and that

having failed, what they have done in the first place is negotiate this sort of thing in a labor agreement. We are becoming in this body more and more involved in labor negotiations simply because it is easier to resolve it here than it is at the bargaining table.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Joseph.

Mrs. JOSEPH: Mr. Speaker, Men and Women of the House: As had already been established, I do sit on the Select Committee dealing with Workers' Compensation. The Select Committee, in fact, is meeting today and I met with them at nine o'clock and they will be meeting throughout the day drafting the piece of legislation on rehabilitation and retraining. As I left the meeting, I and a staff person explained this piece of legislation and those representing business and industry and in the insurance industry felt that this is a reasonable bill. This subject will not be dealt with in the legislation that we will be presenting.

Representative Willey of Hampden requested a roll call on passage to be engrossed.

More than one-fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER: The pending question before the House is on passage to be engrossed.

The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Durham, Mr. Hayden. If Mr. Hayden were present and voting, he would vote yes; I would be voting no.

The SPEAKER: The pending question is on passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

#### Roll Call No. 362

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Small, Soucy, Soule, Stover, Strout, Swazey, Tammara, Telow, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, D.N.; Callahan, Conary, Connors, Cooper, Curtis, Daggett, Davis, Day, Dillenback, Drinkwater, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Livesay, MacBride, Masterton, Matthews, K.L.; Maybury, McPherson, Melendy, Murphy, E.M.; Murphy, T.W.; Parent, Pines, Randall, Reeves, J.W.; Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Smith, C.W.; Sproul, Stevenson, Walker, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Benoit, Bost, Brannigan, Cahill, Carrier, Carter, Dexter, Dudley, Hobbins, Jackson, Jalbert, Kelleher, Locke, McCollister, Perkins, Stevens, Thompson, Webster.

PAIRED—Hayden-Smith, C.B.

82 having voted in the affirmative and 48 in the negative with 19 absent and 2 paired, the motion prevailed.

Sent up for concurrence.

#### Order Out of Order

On motion of Representative Small of Bath, the following Joint Resolution: (H. P. 1583) (Cosponsors: Representatives Stover of West Bath, Cahill of Woolwich and Chonko of Topsham)

JOINT RESOLUTION RECOGNIZING THE 100th ANNIVERSARY OF BATH IRON WORKS

WHEREAS, the expression "Bath-built is best-built" is known and accepted as a standard of excellence in marine circles throughout the world; and

WHEREAS, Bath Iron Works has been building world class navy and commercial ships on the banks of the Kennebec River since 1884; and

WHEREAS, Bath-built Navy ships have distinguished themselves on the oceans of the world as fierce fighting ships and keepers of the peace; and

WHEREAS, the shipyard's construction of 82 destroyers during the 4 years of World War II will stand forever as one of the greatest industrial achievements in American history; and

WHEREAS, Bath Iron Works has provided thousands of well-paying jobs to the men and women of Maine over many decades; and

WHEREAS, Bath Iron Works has continued to demonstrate its faith and confidence in Maine and its working people by continually expanding and making major capital investments; and

WHEREAS, for the past 100 years, Bath Iron Works has served as an ambassador to tell the world of the unique Maine work ethic; now, therefore, be it

RESOLVED: That We, the Members of the Second Regular Session of the One Hundred and Eleventh Legislature assembled, recognize the one hundredth anniversary of Bath Iron Works and join in the celebration of its century of excellence in performance; and be it further

RESOLVED: That suitable copies of this resolution be sent forthwith to the officers of Bath Iron Works.

The Resolution was read.

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

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: The men and women at Bath Iron Works and the citizens of Bath are extremely proud of the 100 year history of the Bath Iron Works.

The BIW is more than just a work place, it is a proud heritage and a tradition that we all value very highly in the city of Bath.

I hope that all of you will take a minute and fill in your invitations, if you haven't already, to the dinner that BIW is putting on next Wednesday night for legislators. I guess there is going to be a presentation on the 100 year history of the Bath Iron Works and I think it will be a very enjoyable and very informative evening and I hope you will all be able to attend.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### **Passed to Be Enacted Emergency Measure**

An Act Relating to Public Guardianship and Disclosure of Information (H. P. 1466) (L. D. 1918) (C. "A" H-465)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted Emergency Measure**

An Act to Prevent Unfair Charges for Submitting Applications for Work (H. P. 1469) (L. D. 1921) (C. "A" H-464)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

An Act to Amend the Statute Governing the Licensing of Child Placing Agencies (H. P. 1449) (L. D. 1901) (C. "A" H-466)

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

#### **Orders of the Day**

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

Communication relative to the renomination of Robert Marden of Waterville to the Commission on Governmental Ethics and Election Practices. (H. P. 1570)

TABLED—February 16, 1984 by Representative Higgins of Scarborough.

PENDING—Confirmation.

The SPEAKER: Pursuant to Title I, M.R.S.A., Subsection 1002, this nomination requires a two-thirds vote of all the members present and voting. Those in favor will vote yes; those opposed will vote no.

110 having voted in favor of same and none against, this being more than two-thirds of all the members present and voting, the nomination was confirmed.

The following paper was taken up out of order by unanimous consent:

The Following Joint Order: (S. P. 774)

ORDERED, The House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 21, 1984 at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following paper was taken up out of order by unanimous consent:

On motion of Representative MacEachern of Lincoln, the following Joint Order: (H. P. 1586)

WHEREAS, the Legislature has been reviewing the programs, operation and funding of the Department of Inland Fisheries and Wildlife; and

WHEREAS, the Commissioner of Inland Fisheries and Wildlife has indicated an immediate need for increased funding to maintain the current level of services; and

WHEREAS, the commissioner has initiated action to resolve the financial need of the department by staff reductions, phase down of selected department operations, closing of certain department facilities, disposal of some state properties and reorganizing present service delivery; and

WHEREAS, the Legislature recognizes a need to address the immediate financial problems of the department as quickly and efficiently as possible; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out a bill to the House addressing the financial needs of the Department of Inland Fisheries and Wildlife.

The Joint Order was read and passed. Sent up for concurrence.

By unanimous consent, ordered sent forthwith.

The following paper was taken up out of order by unanimous consent:

On motion of Representative Davis of Monmouth, the following Joint Order: (H. P. 1587)

ORDERED, the Senate concurring, that H. P. 1573, L. D. 2083, "AN ACT Relating to Eligibility for Interscholastic Secondary School Athletics," be recalled from the Governor's desk to the House.

The Joint Order was read and passed. Sent up for concurrence.

By unanimous consent, ordered sent forthwith.

On motion of Representative Brown of Livermore Falls, the House reconsidered its ac-

tion of earlier in the day whereby Joint Order (HLS 872) recognizing Dan Simoneau of Livermore Falls, who was the first American to finish the Men's Kilometer Cross-Country Ski Race at the 1984 Winter Olympics in Sarajevo, Yugoslavia, received passage pursuant to Special Sentiment Calendar rules.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who may have visited northern Androscoggin County this past summer, you may have witnessed an unusual sight and that sight would have been a young man traveling around northern Androscoggin County's roadways on what appeared to be skis but really looked like roller skates and thinking perhaps that we up in that part of the state had all lost our minds. That wasn't totally true—those of us in Livermore Falls knew exactly what was going on and for those of you who watched the Olympics three nights ago, you knew what was going on as well.

That individual you may have seen was Dan Simoneau. Dan was the first American in the men's 15 kilometer cross-country ski race to cross the finish line in the 1984 Winter Olympics in Sarajevo, Yugoslavia. needless to say, we are very, very proud of Dan Simoneau, a life long resident of Livermore Falls and certainly one of Livermore Falls' finest, and I appreciate this opportunity that you have given me to tell you a little bit about him.

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

#### **(Off Record Remarks)**

On motion of Mr. Crouse of Washburn, Adjourned until Tuesday, February 21, 1984, at ten o'clock in the morning.