

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

Senator USHER of Cumberland was granted unanimous consent off the Record.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following Leave to Withdraw Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Require the Department of Human Services to Establish a So-called 'Fair Rental' Methodology for Reimbursement of Capital Costs for Nursing Homes"

S.P. 90 L.D. 211

Bill "An Act Relating to the Suspension of Motor Vehicle Licenses for Refusal of Chemical Tests"

S.P. 117 L.D. 312

Bill "An Act to Clarify Standards for Transfer of Title of Motor Vehicles"

S.P. 273 L.D. 783

Out of order and under suspension of the Rules, the Senate considered the following:

COMMITTEE REPORTS

Senate

Change of Reference

Senator DUTREMBLE for the Committee on LABOR on Bill "An Act to Amend the Reporting Requirements at the Workers' Compensation Commission"

S.P. 322 L.D. 950

Reported that the same be REFERRED to the Committee on BANKING AND INSURANCE.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on BANKING AND INSURANCE.

Sent down for concurrence.

Ought to Pass As Amended

Senator DOW for the Committee on TRANSPORTATION on Resolve, to Designate a Portion of Route 9 in Clifton the R. Leon Williams Highway

S.P. 275 L.D. 785

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-35).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-35) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED in concurrence, on motion by Senator TUTTLE of York, ADJOURNED until Tuesday 21, 1987, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE

FIRST REGULAR SESSION

51st Legislative Day

Tuesday, April 21, 1987

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

Prayer by Reverend David Stinson, Boothbay Harbor Congregational Church.

National Anthem by the University of Southern Maine Concert Band.

The Journal of Thursday, April 16, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Expand the Authority of the Commissioner of Inland Fisheries and Wildlife with Respect to Natural Products in Wildlife Management Areas" (S.P. 51) (L.D. 95)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Require the Department of Human Services to Establish a So-called 'Fair Rental' Methodology for Reimbursement of Capital Costs for Nursing Homes" (S.P. 90) (L.D. 211)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Relating to the Suspension of Motor Vehicle Licenses for Refusal of Chemical Tests" (S.P. 117) (L.D. 312)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Clarify Standards for Transfer of Title of Motor Vehicles" (S.P. 273) (L.D. 783)

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

Refer to the Committee on Banking and Insurance

Report of the Committee on Labor on Bill "An Act to Amend the Reporting Requirements at the Workers' Compensation Commission" (S.P. 322) (L.D. 950) reporting that it be referred to the Committee on Banking and Insurance.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Banking and Insurance.

Report was read and accepted and the bill referred to the Committee on Banking and Insurance in concurrence.

COMMUNICATIONS

The following Communication:

Executive Department
DIVISION OF COMMUNITY SERVICES
State House Station 73
Augusta, Maine 04333

April 16, 1987

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04333
Dear Speaker Martin:

In accordance with Title 22 M.R.S.A. Section 5204(3), I am submitting to the 113th Legislature a report on Maine's Home Energy Assistance Program for the year 1985-86.

I would be happy to answer any questions you may have concerning this report.

Sincerely,
S/Nicola C. Kobritz
Director

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Business Legislation

Bill "An Act Relating to the Uniform Unclaimed Property Act" (H.P. 969) (L.D. 1298) (Presented by Representative MARSANO of Belfast) (Cosponsors: Representatives COTE of Auburn and MacBRIDE of Presque Isle)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Clarify the Responsibilities of State and Federal Laws Regarding the Chemical Substance Identification Laws" (H.P. 967) (L.D. 1296) (Presented by Representative TAYLOR of Camden) (Cosponsors: Senator TWITCHELL of Oxford, Representatives WILLEY of Hampden and BROWN of Gorham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Reference of Bills had suggested the Committee on Business Legislation.)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Allow the Employment of Part-time Superintendents of Schools" (H.P. 964) (L.D. 1293) (Presented by Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Recognize the Maine Area Agencies on Aging" (H.P. 968) (L.D. 1297) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representatives STEVENS of Bangor, MANNING of Portland, and President PRAY of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Require Physical Contact Before a Dog Owner may be Liable for Damages Caused by his Dog" (H.P. 963) (L.D. 1292) (Presented by Representative WEYMOUTH of West Gardiner) (Cosponsor: Senator DOW of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Assure that the State Income Tax does not Increase Due to Changes in the Federal Income Tax Code" (H.P. 965) (L.D. 1294) (Presented by

Representative McHENRY of Madawaska) (Cosponsors: Representative WEBSTER of Cape Elizabeth, Senators THERIAULT of Aroostook and BLACK of Cumberland)

Bill "An Act to Repeal the Gross Receipts Tax on Telecommunications Services" (Emergency) (H.P. 966) (L.D. 1295) (Presented by Representative JACKSON of Harrison) (Cosponsors: Representatives WEBSTER of Cape Elizabeth, McGOWAN of Canaan, and Senator CLARK of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Study Report - Committee on Human Resources

Representative MANNING from the Committee on Human Resources to which was referred by the Legislative Council the Study Relative to the Driver Education Evaluation Program have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Driver Education Evaluation Program Study" (Emergency) (H.P. 962) (L.D. 1291) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Nonresident Property Owners for the Purpose of Licensure Under the Fisheries and Wildlife Laws" (H.P. 481) (L.D. 648) reporting "Ought Not to Pass"

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act Pertaining to the Sale of Bear" (H.P. 445) (L.D. 598) reporting "Ought Not to Pass"

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the ATV Laws" (H.P. 441) (L.D. 594) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide for the Printing of a Veterans' Directory" (H.P. 751) (L.D. 1014) reporting "Leave to Withdraw"

Representative TARDY from the Committee on Agriculture on Bill "An Act to Mark Animals for Identification of Ownership" (H.P. 781) (L.D. 1053) reporting "Leave to Withdraw"

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for a Replacement Moose Permit when Infected Animals are Taken" (H.P. 303) (L.D. 389) reporting "Leave to Withdraw"

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act Pertaining to the Advisory Council to the Commissioner of Inland Fisheries and Wildlife" (H.P. 394) (L.D. 528) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Provide for Payment of Fees for Independent Adoption Studies" (H.P. 545) (L.D. 732) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Relative to Notification of

Adoption Finalizations" (H.P. 648) (L.D. 876) reporting "Leave to Withdraw"

Representative VOSE from the Committee on Judiciary on Bill "An Act to Establish an Adoption Alternative Act" (H.P. 656) (L.D. 884) reporting "Leave to Withdraw"

Representative BEGLEY from the Committee on Judiciary on Bill "An Act Declaring All Court Papers, Books and Records Pertaining to Adoptions Confidential and Providing for Their Release" (H.P. 316) (L.D. 415) reporting "Leave to Withdraw"

Representative MARSANO from the Committee on Judiciary on Bill "An Act to Expand the Adoption Registry" (H.P. 286) (L.D. 369) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative MANNING from the Committee on Human Resources on Bill "An Act to Amend the Interpreter Law for Coverage in Medical and Paramedical Areas" (H.P. 247) (L.D. 317) reporting "Ought to Pass" in New Draft (H.P. 961) (L.D. 1290)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, April 22, 1987.

CONSENT CALENDAR

First Day

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

(H.P. 322) (L.D. 421) Bill "An Act Relating to Lobster Trap Vents" Committee on Marine Resources reporting "Ought to Pass"

On motion of Representative Mitchell of Freeport, was removed from the Consent Calendar, First Day.

Thereupon, the Committee Report was read and accepted, the Bill given its first reading and assigned for second reading Wednesday, April 22, 1987.

(H.P. 224) (L.D. 292) Bill "An Act Concerning the Use of County Facilities" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-68)

(H.P. 440) (L.D. 593) Bill "An Act to Include the Tacoma Lakes in the Valuation of the Cobbossee Watershed District" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-69)

(H.P. 356) (L.D. 459) Bill "An Act to Recognize Foreign Adoption Decrees" Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 22, 1987, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 259) (L.D. 342) Bill "An Act to Strengthen Local Planning Abilities Through Regional Councils" (C. "A" H-66)

(H.P. 327) (L.D. 426) Bill "An Act to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources" (C. "A" H-67)

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

PASSED TO BE ENGROSSED

Bill "An Act to Assure Proper Notice of Workers' Compensation Claims" (S.P. 413) (L.D. 1271)

Bill "An Act to Amend the Requirements for Individual Public Self-insurers under the Workers' Compensation Act" (S.P. 412) (L.D. 1270)

Bill "An Act to Aid in Enforcement of Child Support Payments" (H.P. 958) (L.D. 1287)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Snowmobile Registration Fees (H.P. 904) (L.D. 1206)

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

Representative Strout of Corinth requested a roll call.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 26

YEA - Aliberti, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Bragg, Brown, Carroll, Cashman, Chonko, Clark, M.; Conley, Cote, Crowley, Curran, Davis, Dexter, Diamond, Dore, Dutremble, L.; Erwin, P.; Farnum, Farren, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Holloway, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, LaPointe, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Mitchell, Murphy, T.; Nicholson, Nutting, O'Gara, Paradis, E.; Paradis, J.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Reed, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammara, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Warren, Wentworth, Weymouth, Whitcomb, Willey, The Speaker.

NAY - Allen, Callahan, Carter, Foss, Foster, Higgins, Macomber, McPherson, Michaud, Mills, Moholland, Murphy, E.; Paradis, P.; Rand, Salsbury, Seavey, Sherburne, Sproul, Strout, D.; Webster, M.; Zirkilton.

ABSENT - Baker, Boutilier, Clark, H.; Coles, Connolly, Dellert, Duffy, Hillock, Hoglund, Ingraham,

Jackson, Lacroix, Mahany, Nadeau, G. G.; Nadeau, G. R.; Norton, Reeves, Scarpino, Tardy, Walker.

Yes, 110; No, 21; Absent, 20; Paired, 0; Excused, 0.

110 having voted in the affirmative and 21 in the negative with 20 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Providing for Judicial Review of Agency Refusals to Consent to Adoptions (S.P. 62) (L.D. 129) (C. "A" S-28)

An Act to Amend the Bank Holding Company Law (S.P. 388) (L.D. 1208)

An Act to Require State Compliance with Municipal Ordinances (S.P. 399) (L.D. 1239)

An Act Relating to Major Policy-influencing Positions in State Government (H.P. 175) (L.D. 219)

An Act to Strengthen the Efforts of the Maine Potato Industry and the Responsibility of the Maine Potato Board to Improve the Quality of Maine Tablestock Potatoes (H.P. 856) (L.D. 1150) (S. "A" S-31)

An Act Concerning Penalties for Caribou and Big Game Violations (H.P. 905) (L.D. 1207) (H. "A" H-62)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

LATER TODAY ASSIGNED

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-56) - Committee on Labor on Bill "An Act Providing for the Use of Spendable Earnings as a Basis for Calculating Workers' Compensation Benefits" (H.P. 398) (L.D. 532)

TABLED - April 16, 1987 by Representative DIAMOND of Bangor.

PENDING - Motion of Representative RUHLIN of Brewer to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you will support the Majority "Ought Not to Pass" Report on L.D. 532. L.D. 532 is a bill to hurt our working people. As you just heard from the Speaker, we in the State of Maine, are willing to help our people who are in need of help.

When you have a working person, who gets injured on the job, I feel it is the duty of every employer of the state to provide them with support and the support is Workers' Compensation. Back in 1916 when Workers' Compensation was enacted, the employees were bringing the employers to court and they were winning practically every case because the jurors were very sympathetic towards the working people.

Today we have a system where the employees cannot sue the employers. That is why it is costly but not half as costly as it would be if you were to go out there and be able to sue.

What this bill does is that it says you will receive two-thirds of your gross wages or 80 percent of your net earnings. That may sound like a positive thing but it says "whichever is less." If you took 80 percent of your net earnings, this alone means a loss to the state coffers. I, for one, have always claimed zero dependents but I would be able to claim

five -- what does that mean to the State of Maine? Every employee in the state would claim the maximum dependents to reduce their taxes and, therefore, increasing their benefits. It is ridiculous -- it would be awfully, awfully complicated for the employers.

In 1985 with enacted legislation, we cut the benefits to all our working people. We also said, "You can bring your employer before the Workers' Compensation Board but your attorney will only be paid if you win. If you lose, you have to pay the attorney yourself." That is a very big deterrent to every employee. If they get hurt on the job, they don't want to be dragged through the court where it is questionable. We are talking about something that is really hitting the livelihood of these people.

Before you have a brother, sister, uncle, mother or father -- a real close relative of yours -- affected by this, you don't care, but once you do, all of a sudden you see the light. I certainly wish that none of you ever experience that. I have seen some members of this House that voted against Workers' Compensation bills (every one that would help the employee) and have worked to cut and cut and cut but when it came to one of their family, I assure you they saw the light and changed their mind. We tend to be that way. We don't want to put ourselves in the other person's shoes but I, for one, would like each and every one of you to put yourself in their shoes.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against the pending motion because I think this is a pretty good bill. It does inject a measure of fairness into the system, which we badly need. The fairness comes about in this way -- when the act was passed in 1916, the benefits were based on two-thirds of the gross pay. It made sense to do it at that time because nothing was removed from your pay mandatorily. Since that time, starting in 1935, Social Security benefits were taken out. Later on federal income tax and after that, various state income taxes so all you would have to do is look at your own paycheck to realize that your gross benefits don't parallel those very closely with what you get to take home. For that reason, the system is inequitable and unfair.

For instance, in California, a study was done by the Workers' Compensation Research Institute in Massachusetts which indicated that pay based on two-thirds of gross pay reflected anywhere from 64 percent of your take-home pay to a maximum of 147 percent of your take-home pay. Certainly the Workers' Compensation Act was not supposed to result in an increase in pay, which is exactly what is happening in some instances in the State of Maine.

Michigan, for instance, was one of the states that already uses the 80 percent of take-home pay. The California graph (I have it here in front of me) looks like the Andes Mountains, peaks and hollows all up and down on the various pay scales. In Michigan, for instance, it is almost flat across. It is just about 80 percent so everybody gets paid accordingly.

The statisticians tell us that any time income insurance, of any kind, whether it is Workers' Compensation or whatever, exceeds 75 percent of the take-home pay, the incentive to return to work is less. Certainly in those incidences, and there are some, where some people on Workers' Compensation get 100 percent and a little over by staying home from work because of an injury. That is not the purpose of the Act.

There are three states and the District of Columbia now that base their benefits on 80 percent of take-home pay. They are the most generous states in the country. They are Alaska, Michigan, Iowa and the District of Columbia. In each instance, the aggregate benefits, the aggregate costs, particularly in Iowa, are less than the State of Maine because there is some incentive for a person to return to work.

One of our biggest problems in this state is that our accident of frequency is high and people just don't return to work when they should. There are several reasons for that -- in the first place, two years ago, when we supposedly cured all the problems of the Workers' Compensation, (which we didn't) there used to be a plan whereby your company could insure you in a retrospective way, based on your own experience as to what you are going to pay -- that has almost been completely outlawed now. Everybody is placed on the "assigned risk pool" so there isn't any incentive really to cut out accidents because you are going to get in the "assigned risk pool" anyhow.

The other problem is the one which I have just mentioned and which this bill addresses. Sooner or later, we are going to address the problem of having some means of an incentive for doctors to get people back to work and for lawyers to get people back to work but those are not addressed in this bill. It seems to me we have to do something in this regard because our survey done by the University of Maine, among others that came out in December, where the employers are asked: "What is the greatest difficulty about doing business in the State of Maine?" Fifty-eight percent of those people said: "Workers' Compensation." Nearly as many said: "The attitude of the legislature towards business in the State of Maine." Whether those are real or perceived, it is up to you to judge but, in my opinion, we at least have to inject a measure of fairness into the system, which this bill would do. We can't ignore what business people think of us. I don't think that we can ignore the fact that they thoroughly believe Workers' Compensation is far too high in the State of Maine. In my opinion, I think it is too.

We have many means of addressing it. We did do some changes two years ago, which addressed part of the problem. The figures which were bantered about at that time was the total cost of Workers' Compensation, a \$180 million bucks. The figure that I heard bantered about in Rockland, a week or so ago, was \$200 million. We can't afford too many more fixes in that direction.

This does address the problem that I have mentioned and I hope that we will have some support and pass this bill and vote no on the pending motion.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

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

SENATE PAPER

Bill "An Act to Provide Required Matching Funds for Federal Disaster Assistance Funds Expected to be Available to the State" (Emergency) (S.P. 434) (L.D. 1313)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

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

SENATE PAPER

Bill "An Act to Extend the Reporting Deadline for the Teacher and Administrator Certification Study" (Emergency) (S.P. 420) (L.D. 1300)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Education.)

Under suspension of the rules and without reference to a Committee, the bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following item: Bill "An Act Providing for the Use of Spendable Earnings as a Basis for Calculating Workers' Compensation Benefits" (H.P. 398) (L.D. 532) which was tabled earlier in the day and later today assigned pending the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to backup for a moment. I would like to emphasize to this entire body that Workers' Compensation, when it was initiated in 1916 in the State of Maine, it was initiated, not as a welfare program but as a program of social justice whereby a worker would agree not to sue the employer and the employer would agree to give certain minimum payments in lieu of wages to replace those wages to that injured worker. We are not discussing here today a welfare program and what goes in California or what goes on in other states in regards to welfare.

What we are discussing is a program where both employer and employee give up certain things to protect the workers' income and to protect the employer from suits.

The State of Maine's (as in most states) benefit level is based on the employee's gross pay. Because he is injured, he will no longer be able to earn that money. And recognizing that we do have to, in a large system like this, average things out, it has always been felt since 1916 (over 70 years) that the fairest way to judge would be two-thirds of the gross pay, recognizing that some are taking out for income tax purposes, health purposes, retirement, and so forth.

This proposed bill would now change that to 80 percent of the net. In other words, in the past we have had a system where we tried to establish (admittedly, somewhat arbitrarily) 100 percent of the net as a person's amount of wages that have been lost due to the injury. Now we are saying that, no, we are not going to recognize that 100 percent net, we are going to go to 80 percent net -- you tell me, I am not very good at counting, but I certainly can see a 20 percent reduction in benefits. 100 percent down to 80 percent is a 20 percent reduction in my mind.

If that is, indeed, a fact, I want to point out to this body that it does break the faith that was established in 1985 with Workers' Compensation Reform. That Reform Bill was reported out unanimously, bipartisan, by the committee. It was overwhelmingly passed in this body and the other body. What that Reform Bill did was try to reduce the payments out in the Workers' Compensation system in three ways: one, a rehab provision, wide and sweeping, that would get the injured worker back on the job faster. That only went into effect administratively about a year ago.

The second portion was to reduce the injuries themselves by putting strong safety laws on the books of the State of Maine to protect the worker before he was injured.

The major third portion was to freeze the benefits of the workers of the State of Maine until the year, 1988. Those were the three benefit reductions or stabilization factors of the 1985 Reform Bill that had bipartisan support, I want to repeat, and overwhelmingly passed in this House as well as the other body.

If we now say that what this legislature did is no longer valid before it has had a chance to work because many of these provisions, particularly the rehab and workers' safety, are going to take some years before we see the effect on the premiums that the employers of this state, pay. But to break the faith now with that Reform Bill of 1985 before it has had a chance to breathe and work, to pronounce its failure and demise, I would say is breaking the faith. We should give it a chance to work.

The benefit reductions you have to recognize though. Benefit reductions do not, as we found out in 1985, by themselves equal lesser premiums to the employer. We mandated in that bill an 8 percent reduction. It has been through the court system and even before the courts had given their answer, the insurance companies are back proposing a 10 percent increase without waiting to see if, in fact, their expenses in pay-outs have been diminished or increased.

Do not think, when you consider this bill, that by reducing the benefits for the workers of the State of Maine by 20 percent, as an average, that you are going to be giving a benefit and offsetting benefits to the employers, the people who help provide those jobs, because you do not do that. That has been shown historically, as it was shown since 1985 when they were coming in for additional increases at this point.

Finally I want to say, before 1985, when I first came here, everybody was saying, "You've got to do something about Workers' Compensation, the State of Maine is so far out of line with the nation or out of step with reality, something must be done." One of the things that we did was try to reduce the benefits, which we have already discussed. Now you are asking us to go out of line with the rest of the country because there are only two other states that I know of that base the benefits on the net rather than gross.

We fought, we spent hundreds of hours, and this legislature acted on those recommendations to get this state in step with the nation and now, after that Reform Act, we are being asked to go out of step once again. I would say that this bill, if passed, is, at this point in time, breaking the faith of the 1985 Reform Act. If you want to discuss it, you should wait until the sunset provisions of that Act take effect in 1988. In the meantime, I can only judge this bill as punitive, as a "skin the worker" type of bill, with no given benefits to any party

other than the out of state insurance companies. I do not feel that the hard working people of the State of Maine should be penalized out of this benefit by the out of state insurance companies.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise against the pending motion and in support of the Minority Report. Having recently attended an excellent two day work shop on Workers' Compensation, I am even more convinced that we, as a legislature, need to take some more definite steps to curtail the cost of our Maine system.

I expect many of you sitting here have been asked at some time by a constituent in your district -- "Isn't there anything you can do in Augusta to help bring down the cost of Workers' Compensation?" I say to you that this is one step you could take.

This is a good bill and a step in the right direction and I am pleased to be a cosponsor of this legislation. Changing from two-thirds gross pay to 80 percent of net or take-home pay makes a lot of sense.

The present system was set before the days of all the taxes being taken out. Since Workers' Compensation is tax free, some of your injured workers are presently receiving more pay than they were taking home while they were working. Workers' Compensation is a good system and it needs to be there to help the injured workers but its original intent was not that the worker would receive more pay than he or she was receiving and taking home for net pay. This is what is happening in some cases. We need to pass this legislation to help preserve our system so it will be there in the future for the people who really need it.

I urge you to vote against the pending motion and support the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Rand.

Representative RAND: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 532 does nothing but cut the legitimate benefits for injured workers and their families. It adds another layer of bureaucracy to the Workers' Compensation Commission. It means more tax dollars in the General Fund and increases profits to the insurance companies.

The injured person in the moderate to low income bracket would suffer the most severe impact. The benefit of \$100 per week would be reduced to \$79.

I would urge support for the Majority Report, "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support the Majority "Ought Not to Pass" Report. I have sat here this morning as you have sat and listened to what a beneficial thing this is going to be to employers. This definitely will never, ever, be reflected in any employer's premium.

We talk about fairness in the system -- what about fairness to the greatest asset that the people of the State of Maine have, the working force. We have been told time and time again that this is our greatest asset and we are going to send a message to them that they are not the greatest asset that we have. We hear this continuously. We are not out of line with the nation.

The workshop on Workers' Compensation that I attended last year and another one that I attended in North Conway last year was very, very beneficial to me. The one in the State of Maine told me that what

the legislature had approved was, in fact, the intent was being carried out.

The bill before you today is not a good bill. As for workers benefiting, there is 1 or maybe 2 percent of all of the injured workers within the State of Maine that may possibly realize a few dollars more than they did before. But understand that these few dollars that they are going to realize is only because they have been members of the work force for a number of years. Their economic conditions have changed. I will use myself as an example. When I first got a home, I thought that when I had insurance, I had insurance covering everything. This was not true and my husband was injured and this was a non-work related injury. He had to be dead before it paid anything. I learned. I still could not afford to have disability insurance. As we get older and our families get older and our economic situation changes, we, as wage earners within our households, realize that we cannot afford to be without these things and we pay for them.

As for the State of Maine and the weekly benefit that is two-thirds -- if it is reduced anymore, it would be detrimental because they are not able to pay voluntary reductions. These may be bonds that they voluntarily have withheld. These bonds may be used to pay their taxes. They may belong to a credit union. Not only do they lose self-esteem when they are out recuperating from a work related injury, but they also lose credit towards their pensions, whether it be contributory or non-contributory. They lose benefits in building up their fund in their Social Security.

In 1985, when this bill came before the House, we were told how high we were. We froze the max then. It was \$3.00 more than New Hampshire, the highest one. You have to earn over \$600 a week to collect the highest payment, which was \$447 and some odd cents. This is not done by most of our workers with a normal 40 hour week. This is a 60 and 70 hour a week that they put in. You have to take into consideration that the State of Maine is a very diversified state as far employment opportunities are concerned. Many of the occupations are high risk occupations. When they are a higher risk, naturally there is a higher risk of collecting Workers' Compensation.

What people fail to mention is that the minimum in the State of Maine is \$25. That has not changed. In 1985, the minimum in the State of New Hampshire, because it is a sister state, I use it freely, was \$100 a week. I say to you -- if you go with the Minority Report, you will be saying to your constituents, "You are collecting too much, you do not need this, you are not losing anything." But they are, they are losing their self-esteem -- they have adjustments to make, they have bills to pay and their quality of life should not suffer. At times they may have to tighten their belt somewhat and they definitely do. But they should not be penalized. Otherwise, give them the Tort Law back.

On motion of Representative Diamond of Bangor, tabled pending the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent.

PASSED TO BE ENACTED
Emergency Measure

An Act to Provide Required Matching Funds for Federal Disaster Assistance Funds Expected to be Available to the State (S.P. 434) (L.D. 1313)

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. 118 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, was ordered sent forthwith to the Senate.

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Extend the Reporting Deadline for the Teacher and Administrator Certification Study (S.P. 420) (L.D. 1300)

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. 122 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Bill "An Act Providing for the Use of Spendable Earnings as a Basis for Calculating Workers' Compensation Benefits" (H.P. 398) (L.D. 532) which was tabled earlier in the day and later today assigned pending the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think the bill already has the distinction of being tabled more often than any other bill of this session, I guess it will continue. I think it also has the distinction perhaps of being the most misunderstood or misrepresented thing that I have heard of the whole system for that matter. Number one, an error that I would like to correct -- we did not, in any way, cut benefits two years ago, no benefits were cut, none whatsoever. We did freeze the maximum benefits for a period of two years but nothing was cut.

There seems to be a misconception of which is greater, 66 and two-thirds or 80 percent. It seems to me that 80 percent is more than 66 and two-thirds. This, in my opinion, does not represent or cut benefits on the average. There are a lot of people that are going to be making more money than they did before and there are some people that are going to be making less. The cost of the system is almost a washout. I feel absolutely certain of that.

I would read just one paragraph from the WCR Report, "There is a wide variation of replacement benefit rates received by different workers, which raises the question of equity. Why should some workers receive replacement rates that are doubled those received by others?"

Also, the Michigan system, which is 80 percent of spendable earnings, produces a far more equitable disposition of income replacement. And that is the purpose of the whole thing, to get everybody to receive an equal portion of their take-home pay. By the same token, those few people at the top end of the scale (and I am convinced that it is only one or two percent) have an incentive to return to work.

Their incentive now is to stay out of work as long as possible because, why not? You make more money staying home. The system was never, ever, intended to be an increase in pay. The way it is now is for a very few people and I think it is wrong for those few people to enjoy that benefit. It seems to me that if we can put the thing on an even basis, then we have destroyed one of the controversial essentials we have now. It is simply a controversial approach, one person gets 64 percent, another gets over 100 percent, what is fair about that? Why shouldn't we fix it?

As far as decimating the progress that we made two years ago, this subject did not come up once, two years ago. It was never a part of the problem two years ago, never discussed, never approached in any way. I don't feel we are breaking faith with what we did two years ago.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In reference to what the good Representative from Hampden has said, this is not a reduction. Well, I think I can read and it says 66 and two-thirds percent of your gross income or 80 percent of your net income, whichever is less. I would defy anybody to tell me that anybody is going to have an increase in Workers' Compensation benefits. There is no increase for anybody.

When this Workers' Compensation was implemented, we did not have Social Security withheld or income tax withheld so therefore, you are bringing in more money by being on Workers' Compensation because supposedly you are taxed more than 33 percent of your income, which I find a little ridiculous. I don't know of anybody who is paying 33 percent of their income in income tax but maybe they are. Irregardless, it means a reduction for people. It does not mean an increase to anyone, zero, nobody. Only the District of Columbia has such a system in the whole United States of America.

Mr. Speaker, I am tempted to make a motion but I will defer. I hope the House will go with the Majority Report, "Ought Not to Pass." I also ask for a roll call.

The SPEAKER: A roll call has been requested.

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I also wanted to respond to my good friend from Hampden, who is on the Labor Committee, but I feel the Chair did fairly well. I just want to point out that any time that somebody tells you that they have frozen your wages and your costs are going up, if you don't call that a deduction, I would like to have you come work for me because in fact your costs have gone up and you have gotten a reduction in your benefits.

When somebody takes away a portion of your right to be represented by legal advice before the Workers' Compensation system, I call that clearly a reduction in your benefits. We did that with good thought and I would do it again but that is still a reduction in the workers' benefits.

1985, the one that we were referring to, was not the final answer. I agree with my good friend, Representative Begley, that we do have some problems that other people have mentioned. We do hear constant complaints about the Workers' Compensation System. Keep in mind that the reforms of 1985 have not been fully administered yet and it is going to take years for those to be felt. But also keep in mind that 1985 was not the final answer, we still have many, many people falling through the cracks in

the system. The longer a person is out, the more it is going to cost the system in benefits, not simply because of the time factor, but the longer a person is out before they start getting their benefits, the more benefits they are going to have to receive in the longer period they are going to be out. That is shown specifically in the reports of all 50 states where the system is in place.

The other comment I would like to make when someone says that this is just pure and simple, an easy way to do something, I would not want to be handling the payrolls of the State of Maine if this goes into effect because now I am paid on my gross if I were injured. I would be compensated on my gross income. As an example, my wife and I have six children, I would claim myself for income tax purposes. Were this system to go into effect, I can assure you, I would be claiming all six of my children, I would be claiming everything that I could to keep that net up to protect myself. So, that is one example.

The other person can do it the other way around and what would happen is a nightmare for every business that you would go into, a complete change in the payroll system, how they claim, when they are going to claim, does it include their pension, does it include this, does it include profit sharing? That is what the employers are going to be faced with who do payroll deductions in the State of Maine with this simple little bill.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Someone once quipped that "everyone likes to talk about the weather but no one likes to do anything about it." I would suggest to you today that the issue of Workers' Compensation, at least as far as this bill goes, and perhaps some of the other ones that will come before this body later on in this session, would give this body an ample opportunity to do something about Workers' Compensation and the costs associated with it.

Any time we have a conference or discuss the issue of economic development, which has been a catch phrase in this body and in the State of Maine over the last several years, the issue of Workers' Compensation costs come up. Everyone knows from the closing of Health-Tex and other businesses in the state, as well as trying to lure firms into Maine, that one of the most detrimental aspects of the economic climate here is Workers' Compensation costs. So, I would suggest to you that even though we made some strides a couple of years ago that it really isn't to our benefit to just say that is the end and we shouldn't take any further action. It is an ongoing issue, it is not going away and the costs certainly are not going to decrease in the very near future.

I would like to remark that the issue of 80 percent of spendable earnings is not a new one within the nation but I want to make it clear that it is prospective, it does not affect anyone who is currently receiving benefits under the Workers' Compensation law as it is today. So, it does affect only those who would be injured after the effective date of this act.

There is plenty of blame to go around, as far as whose fault it is for the high cost of Workers' Compensation. The insurance companies like to blame the legislature and the workers, the workers like to blame the insurance companies and the businesses like to blame the insurance companies, the legislature, the workers and everybody else. When you look at the

situation, this legislature really establishes the benefit level, how it is going to be implemented and therefore, I guess, sets the rates for Workers' Compensation in the state. It is done by the Bureau of Insurance but they have to go through a rate filing process. I know there are those here who are skeptical that if there is a cut, if you will, in benefits or some freezing of benefits that businesses in the state will not see that appreciable cut. All I can say to you is that, if we don't make the cut, the insurance companies are going to come in and can rightfully suggest that they deserve an increase or more of an increase in their Workers' Compensation.

As you know, over the last 12 months, many companies have left the State of Maine, many companies have refused to write Workers' Compensation policies and I would suggest that if we don't do something in the very near term, it is a good possibility that the state may have to get involved and run its own Workers' Compensation. I think that would be a mistake but I think if the legislature doesn't take some firm initiatives in this area that the chances of that happening are increased daily.

The State of Maine itself would benefit under this particular piece of legislation. We currently spend, out of our General Fund budget, \$6 million each year in Workers' Compensation costs and it is going up appreciably every year. That is \$6 million that we don't have to spend on some other initiative that we might like for our own benefit or for the general benefit of the people of the State of Maine rather than giving it to people who are on Workers' Compensation.

I am not saying that you should cast these people out if they are legitimately hurt on the job, there is no question that they should receive adequate compensation. It just doesn't seem fair that some person who is injured on the job should receive more in non-taxable workers benefits than they do in take-home pay. I can't make any sense out of that. It doesn't have any rhyme or reason to it, other than that is just the way it has happened.

I think to just leave it that way would be a mistake. I think it is an issue that deserves the consideration of this body.

I would hope you would vote against the motion in front of us so that we might accept the Minority "Ought to Pass" Report. Then we would be able to say that we took a small step, albeit, in trying to correct an inequity in the law which will help send a message to the business community and those who are trying to employ Maine people that we have done something to try to correct an inequity in the Workers' Compensation Law.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: The Representative from Scarborough, Representative Higgins, spoke quite well to some of the problems that the businesses and the laborers of the State of Maine are facing in terms of dealing with the Workers' Compensation System.

I think everyone who has served in this legislature for any length of time is well aware of the fact that both Democrats and Republicans alike have been sensitive to this issue, especially during the 1980's, when this legislature worked in a bipartisan fashion to deal with many of the problems facing the industry and with the employees of industry as well.

Sometimes we deal with some of the substantive issues and the benefits are seen immediately. Sometimes we don't see those benefits immediately. I think the reforms that we passed a few years ago, the

two-phase reforms, that were initiated by the Speaker and followed up by this legislature, show that we can do something positive to address those problems and also recognize at the same time that some of those benefits will be coming down the road. We do have some of those reforms that have been enacted. We also have some reforms that are being challenged in court. Nonetheless, this legislature, state government as a whole, has shown a sensitivity to the problem and the desire to work to make sure that the balance remains and that the cost of Workers' Compensation is not unaffordable to Maine business. Occasionally though, the Maine Legislature gets sucked into dealing with a problem and overreacts to it. We have all seen that in the past where we would take a mallet to swat a fly. In this case, I think this particular piece of legislation addresses the problem but does so in the wrong way. I think in some ways it overreacts to a problem that may or may not even exist.

The proposal before us does, as Representative Willey said earlier, deal with a problem, a problem that some people under the existing Workers' Compensation System may be getting more money by being on Workers' Compensation than they were getting while they were fully employed. Representative Willey said that the intent of the law was never to increase the salary of somebody who was injured on the job but nor was it the intent of the legislature to reduce the benefits of those people injured on the job through that reform effort.

We made it clear when we debated the issue several years ago that we did not want to reduce or cut benefits, we did not want to do anything but freeze them. As Representative Ruhlin pointed out, the reality is that a cut indeed took place with those injured on the job, but that was not our intent. We tried to hold the line so we could get a handle on this problem.

The proposal before us, though, goes beyond that and I am afraid that the only beneficiary of this legislation would be the insurance companies, the people we are all concerned about in the first place.

As you know through the debate earlier today, people injured on the job would have, could have, their benefits cut if we go with the proposal before us. Some have argued that that is an appropriate measure for us to adopt because the cost of Workers' Compensation is too difficult for businesses to bear. But, if you read the bill and if you understand the system, you will see that it is not the employers who will get the benefits of this law, their benefits aren't going to change, not through the beneficence of the insurance companies. The insurance companies themselves and their collective pockets will be filled with any benefits that could be found through the adoption of this measure. I don't think that is the intent of this legislature and I don't think it is the intent of those who sponsored this legislation.

I think what they wanted to do was to adequately provide for those workers injured at the work place but also acknowledge the fact the cost of doing business through the Workers' Compensation System is something that has to be addressed. I think that the only thing that will come from this is that workers will be punished. I don't think anybody in here wants to punish workers further. I think that we understand that they are already injured on the job and it would be adding insult to injury. I think greater pain could be found through the adoption of this measure than through the injury that the person receives on the job. Compounding that injury with the adoption of this measure could have a negative

impact on many families and many individuals in the state and I don't think it is something we should adopt.

There are going to be proposals coming before us this session that deal with Workers' Compensation. This happens to be the first one that we have debated. I do think that if we are going to deal with a problem, we have to keep things in perspective. We have to be willing to recognize bad legislation and good legislation. I think the proposal before us today may deal with a problem that needs addressing but it does not deal so in a fair or equitable way.

I ask that you support the motion to accept the Majority "Ought Not to Pass" Report today and allow us to move on to the other issues that could indeed have a positive influence on the cost of Workers' Compensation for the employees and employers of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: The bottom line here is that, right now, there are people whose spendable income is greater for not working than it was when they were working. This doesn't make sense. This isn't good public policy and is something we should change. This bill will affect that change and I urge you to vote against this motion so we can go on to accept the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I will address the bottom line. The bottom line, if it is increased by any dollar amount, is paid for by the injured worker over a number of weeks.

I really want to call your attention to the costs to the taxpayers, your constituents and mine, of implementing this bill, everything else has been addressed. It is over \$100,000 for the next biennium. The people that will have to be employed will have to figure out rates but here we are adding a cost to the taxpayer when it is totally unnecessary. Remember, once a claim is filed, the insurance company is the employer. The employer is no longer the employer.

Representative McHenry of Madawaska was granted permission to address the House a third time.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have heard it mentioned several times that we have employees who are injured and who are receiving more money being injured than when they were working. If you want to believe that, fine. Look at the figures when this was implemented in 1950, it was mentioned that the taxes weren't withheld and all this, they also forgot to mention that your fringe benefits are not included also, which comprise of most of your organized labor, at least 25 percent. So actually, you are not receiving two-thirds of your gross income, you are actually receiving anywhere from 53 to 54 percent of your gross income. If you mean to tell me that that means more income to the working people, I just don't believe it. A person would rather work and receive \$700 and \$800 than to receive \$400.

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

A vote of the House was taken and more than one-fifth of the members present and voting having

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

The SPEAKER: The pending question before the House is the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 27

YEA - Aliberti, Allen, Anthony, Baker, Bickford, Bost, Brown, Carroll, Cashman, Chonko, Clark, M.; Conley, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tammaro, Thistle, Tracy, Vose, Walker, Warren, The Speaker.

NAY - Anderson, Armstrong, Bailey, Begley, Bott, Bragg, Callahan, Cote, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Harper, Hepburn, Hichborn, Higgins, Holloway, Jackson, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Seavey, Sherburne, Small, Sproul, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Telow, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Boutillier, Carter, Clark, H.; Coles, Connolly, Hanley, Hillock, Hognlund, Ingraham, Kimball, Mills, Reeves, Tardy.

Yes, 78; No, 60; Absent, 13; Paired, 0; Excused, 0.

78 having voted in the affirmative and 60 in the negative with 13 being absent, the motion did prevail. Sent up for concurrence.

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

Bill "An Act to Create Regional Detention and Evaluation Centers for the Secure Confinement of Juveniles" (H.P. 950) (L.D. 1279) (Committee on Appropriations and Financial Affairs suggested)

TABLED - April 16, 1987 by Representative MANNING of Portland.

PENDING - Motion of Representative CARTER of Winslow to refer to Committee on Human Resources.

Representative Carter of Winslow withdrew his motion to refer L.D. 1279 to the Committee on Human Resources.

On motion of Representative Manning of Portland, was referred to the Joint Select Committee on Corrections, ordered printed, and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Matthews of Caribou, Adjourned until Wednesday, April 22, 1987, at nine o'clock in the morning.