

# MAINE STATE LEGISLATURE

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

**VOLUME III**

**FIRST CONFIRMATION SESSION**

August 21, 1987  
Index

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987  
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**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987  
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**SECOND REGULAR SESSION**

January 6, 1988 to March 24, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST SPECIAL SESSION  
1st Legislative Day  
Friday, October 9, 1987

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Thirteenth Legislature in extra session, the members of the House of Representatives assembled in their hall at 10:00 o'clock in the morning and were called to order by the Speaker.

Prayer by Reverend Samuel Najjar, St. Joseph's Maronite Catholic Church, Waterville.  
Pledge of Allegiance.

For the purpose of ascertaining the presence of a quorum, a certified roll of the Representatives was taken.

The elected membership of the House being 151 and 136 members having answered to their names with 12 absent and 3 vacancies, a quorum was found to be present.

Absent were Representatives Armstrong of Wilton, Bailey of Farmington, Boutilier of Lewiston, Conley of Portland, Crowley of Stockton Springs, Farnum of South Berwick, Higgins of Scarborough, Hillock of Gorham, Jackson of Harrison, Lacroix of Oakland, Perry of Mexico and Webster of Cape Elizabeth.

State of Maine  
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of agreements between the State of Maine and several labor organizations representing State employees relating to the compensation and fringe benefits for over 13,000 employees; and

WHEREAS, the laws of the State of Maine require legislative approval of certain financial provisions of any contract between the State and an employee organization; and

WHEREAS, the Legislature must approve the Commissioner of Administration's modified plan for the continued removal and containment of asbestos in state facilities and must authorize additional expenditures pertaining thereto; and

WHEREAS, during the closing days of the First Regular Session, a transcribing error was made in the solid waste bill (Chapter 517, P.L. 1987) that could create serious problems if not corrected soon; and

WHEREAS, the 113th Legislature instituted an excise tax on mahogany quahogs as part of an emergency bill (Chapter 513, P.L. 1987) while intending that the tax not take effect until 90 days after adjournment; and

WHEREAS, the simultaneous enactment of a Taxation Committee bill on various tax exemptions (Chapter 343, P.L. 1987) and the recodification of the lottery law (Chapter 505, P.L. 1987) resulted in the unintended reenactment of the exemption of lottery winnings from state income taxation; and

WHEREAS, it is now deemed to be in the State's best interest to deauthorize an unused General Fund bond issue related to the acquisition of certain rail lines (Chapter 75, P & S 1985) and reimburse the Department of Transportation for authorized expenditures made pursuant thereto from resources expected to be available during the present biennium rather than to issue bonds for this purpose;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, do hereby convene the Legislature of this State, hereby

requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Friday, the ninth (9th) day of October, 1987 at ten (10) o'clock in the morning, in order to receive communications, enact a collective bargaining bill, modify the plan for the continued removal and containment of asbestos in state facilities, correct a transcribing error in the solid waste legislation, correct an error in the effective date for collection of the mahogany quahog tax, correct an error in the laws relating to the taxation of lottery winnings, deauthorize a bond issue for the purchase of certain rail lines and authorize an appropriation from available resources to reimburse the Department of Transportation for such purchase and conduct such other legislative business as may be appropriate.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed  
GIVEN under my hand at  
Augusta this twenty-first  
day of September in the Year  
of our Lord One Thousand Nine  
Hundred and Eighty-Seven.  
S/John R. MCKERNAN, JR.  
Governor

S/Linwood F. Ross

Deputy Secretary of State

Was read and ordered placed on file.

On Motion of Representative DIAMOND of Bangor, the following Order:

ORDERED, that a Committee of nine be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

Was read and passed and the Chair appointed the following Members:

Representative CARTER of Winslow  
Representative CHONKO of Topsham  
Representative LISNIK of Presque Isle  
Representative MADEAU of Lewiston  
Representative MCGOWAN of Canaan  
Representative HIGGINS of Scarborough  
Representative FOSTER of Ellsworth  
Representative DAVIS of Monmouth  
Representative FOSS of Yarmouth

Subsequently, Representative CARTER of Winslow reported that the Committee had performed the duty with which it was charged.

On Motion of Representative GWADOSKY of Fairfield, the following Order:

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Was read and passed and Representative DIAMOND of Bangor was appointed to convey the message and subsequently reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE

AUGUSTA, MAINE 04333  
August 4, 1987

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

Pursuant to my authority under House Rule 1, I have today appointed Rep. Earl G. Nicholson to fill the vacancy on the Joint Standing Committee on Audit and Program Review.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

The following Communication:  
STATE OF MAINE  
DEPARTMENT OF STATE  
STATE HOUSE STATION 101  
AUGUSTA, MAINE  
DIVISION OF PUBLIC ADMINISTRATION

August 25, 1987  
Hon. Edwin H. Pert  
Clerk of the House  
State House Station 2  
Augusta, Maine 04333  
Dear Clerk Pert:

Enclosed you will find a certified copy of the agreements submitted to this office by the Passamaquoddy Tribe and the Penobscot Nation whereby they agree to the provisions of Chapter 153 of the Public Laws of 1987 pursuant to the United States Code, Title 25, Section 1725 (E) (1).

Sincerely,  
s/Peter W. Danton  
Deputy Secretary of State

RESOLUTION  
NUMBER 08-11-87-01  
OF THE PENOBSCOT NATION

WHEREAS, The Penobscot Nation is a federally recognized Indian Tribe; and

WHEREAS, The Penobscot Tribal Governor and Council is the duly authorized and elected governing body of the Penobscot Nation.

WHEREAS, The Penobscot Nation held a General Meeting August 11, 1987, for the purpose of approving or disapproving legislation that has been submitted to the 113th Legislature for the State of Maine;

THEREFORE, BE IT RESOLVED, That the Penobscot Nation approved S.P. 495-L.D. 1511; AN ACT to Extend the Time for Trust Land Designation.

CERTIFICATION

I, Lorraine Dana, hereby certify that I am the Tribal Clerk and official custodian of certain records, including Minutes of the Meetings of the Penobscot Indian Nation, a federally recognized and Sovereign Indian Tribe duly organized and existing under the Laws of the United States, and that the foregoing is a true, accurate and compared transcript of a resolution contained in the Minute Book of The Nation, adopted at a General Meeting of said Nation duly held on the 11th day of August, 1987, and that the proceedings of said Nation, and that the said Resolution has not been amended or revoked and is in full force and effect.

S/Lorraine Dana  
Tribal Clerk

CERTIFICATION

Pursuant to 3 M.R.S.A. section 601, as the officer designated by 4e Passamaquoddy Tribe pursuant to 3 M.R.S.A. section 602, I hereby certify that the Passamaquoddy Tribe approved the enactment of Chapter

153 of the Public Laws of Maine of 1987 pursuant to 25 U.S.C. section 1725 (e) (1). The approval was granted by resolution of the Joint Tribal Council of the Passamaquoddy Tribe dated June 25, 1987.

s/Wayne Newell,  
Certifying Officer  
Passamaquoddy Tribe

Was read and with accompanying papers ordered placed on file.

The following Communication:  
DEPARTMENT OF PUBLIC SAFETY  
36 Hospital Street  
Augusta, Maine 04333  
August 19, 1987

Ed Pert  
Clerk of the House  
State House Station #2  
Augusta, ME 04330  
Dear Clerk Pert:

Enclosed please find a copy of the application submitted to the Bureau of Justice Assistance for funding under the State and Local Assistance for Narcotics Control Formula Grant Program.

Copies have also been forwarded to Speaker Martin's office and to Representatives Donald Carter and Thomas Murphy, Jr.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions from you, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,  
S/John R. Atwood  
Commissioner

Was read and with accompanying papers ordered placed on file.

The following Communication:  
STATE OF MAINE  
DEPARTMENT OF STATE  
STATE HOUSE STATION 101  
AUGUSTA, MAINE  
DIVISION OF PUBLIC ADMINISTRATION  
September 28, 1987

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

This office is in receipt of a letter of resignation from Representative Gennette M. Ingraham of Houlton representing House District 141, effective September 8, 1987.

The Governor has set November 3, 1987 as the date upon which the special election will be held to fill this vacancy.

Sincerely,  
S/Peter W. Danton  
Deputy Secretary of State

Was read and with accompanying papers ordered placed on file.

The following Communication:  
STATE OF MAINE  
DEPARTMENT OF STATE  
STATE HOUSE STATION 101  
AUGUSTA, MAINE  
DIVISION OF PUBLIC ADMINISTRATION  
September 29, 1987

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

House of Representatives  
Augusta 04333  
September 29, 1987

Dear Clerk Pert:

As you are aware, Representative Donald F. Sproul resigned from the Legislature on May 16, 1987. This caused a vacancy in Representative District 88. The Governor has called for a special election to be held on November 3, 1987 to fill the vacancy.

Sincerely,  
S/Peter W. Danton  
Deputy Secretary of State

Was read and ordered placed on file.

The following Communication:  
STATE OF MAINE  
DEPARTMENT OF STATE  
STATE HOUSE STATION 101  
AUGUSTA, MAINE  
DIVISION OF PUBLIC ADMINISTRATION  
September 29, 1987

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

Dear Clerk Pert:

Due to the death of Laurence E. Connolly, Jr. of Portland, Representative in District 26, the Governor has declared that a special election will be conducted on November 3, 1987 to fill the vacancy.

Sincerely,  
S/Peter W. Danton  
Deputy Secretary of State

Was read and ordered placed on file.

The following Communication: (H.P. 1384)  
State of Maine  
House of Representatives  
Augusta 04333  
September 28, 1987

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 28, 1987, one Bill was received by the Clerk of the House. Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on September 28, 1987 as follows:

Legal Affairs

Bill "An Act Amending the Law Concerning 'Beano' or 'Bingo' on Indian Reservations" (Emergency) (H.P. 1382) (L.D. 1884) (Presented by Representative MURPHY of Kennebunk) (Cosponsors: Representatives MURPHY of Berwick, RACINE of Biddeford and JALBERT of Lisbon) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1385)  
State of Maine

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 29, 1987, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on September 29, 1987 as follows:

Judiciary

Bill "An Act Relating to Out-of-court Statements made by Minors" (Emergency) (H.P. 1383) (L.D. 1885) (Presented by Representative GWADOSKY of Fairfield) (Cosponsor: Representative THISTLE of Dover-Foxcroft) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert  
Clerk of House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1390)  
State of Maine  
House of Representatives  
Augusta 04333  
September 30, 1987

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On September 30, 1987, three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on September 30, 1987 as follows:

Legal Affairs

Bill "An Act to Delay Implementation of Certain Fire Safety Standards" (Emergency) (H.P. 1389) (L.D. 1888) (Presented by Representative RUHLIN of Brewer) (Cosponsors: Senator KANY of Kennebec, Representatives PAUL of Sanford and PRIEST of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

State and Local Government

Bill "An Act to Authorize Aroostook County to Raise \$500,000 for Renovations and Additions to the Aroostook County Jail" (Emergency) (H.P. 1387) (L.D. 1886) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Transportation

Bill "An Act to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products" (H.P. 1388) (L.D. 1887) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsor: Senator THERIAULT of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert

Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1394)  
State of Maine  
House of Representatives  
Augusta 04333  
October 1, 1987

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 1, 1987, three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on October 1, 1987 as follows:

Appropriations and Financial Affairs

RESOLVE, Authorizing the Commissioner of Administration to Modify the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency) (H.P. 1391) (L.D. 1889) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representatives FOSS of Yarmouth, CARTER of Winslow and Senator BERUBE of Androscoggin) (Governor's Bill)

Energy and Natural Resources

Bill "An Act to Correct a Typographical Error in the Solid Waste Law" (Emergency) (H.P. 1392) (L.D. 1890) (Presented by Representative MURPHY of Berwick) (Cosponsors: Senator USHER of Cumberland, Representatives HOLLOWAY of Edgecomb and MICHAUD of East Millinocket) (Governor's Bill)

Taxation

Bill "An Act to Resolve Conflict Resulting from Repealing the Exemption of State Lottery Winnings from State Income Tax and Simultaneous Recodification of the Lottery Law" (H.P. 1393) (L.D. 1891) (Presented by Representative BRAGG of Sidney) (Cosponsors: Senators TWITCHELL of Oxford, DILLENBACK of Cumberland and Representative CASHMAN of Old Town) (Governor's Bill)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1397)  
State of Maine  
House of Representatives  
Augusta 04333  
October 2, 1987

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 2, 1987, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on October 2, 1987 as follows:

Appropriations and Financial Affairs

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 1395) (L.D. 1894) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senator PERKINS of Hancock, Representatives CARTER of Winslow and FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

State and Local Government

Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency) (H.P. 1396) (L.D. 1895) (Presented by Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1401)  
State of Maine  
House of Representatives  
Augusta 04333  
October 2, 1987

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 2, 1987, three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on October 2, 1987 as follows:

Energy and Natural Resources

Bill "An Act to Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law" (Emergency) (H.P. 1398) (L.D. 1896) (Presented by Representative MOHOLLAND of Princeton) (Cosponsor: Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Marine Resources

Bill "An Act to Change the Effective Date of the Mahogany Quahog Tax and to Abate Taxes Previously Assessed under the Law" (Emergency) (H.P. 1399) (L.D. 1898) (Presented by Representative LOOK of Jonesboro) (Cosponsors: Representatives VOSE of Eastport, SEAVEY of Kennebunkport and Senator MATTHEWS of Kennebec) (Governor's Bill)

Bill "An Act Concerning Stored Lobsters" (Emergency) (H.P. 1400) (L.D. 1899) (Presented by Representative RICE of Stonington) (Cosponsors: Senators MATTHEWS of Kennebec, CAHILL of Sagadahoc, and Representative MITCHELL of Freeport) (Governor's Bill)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

LEGISLATIVE RECORD - HOUSE, OCTOBER 9, 1987

Was read and ordered placed on file and sent up for concurrence.

Augusta 04333  
October 7, 1987

The following Communication: (H.P. 1403)  
State of Maine  
House of Representatives  
Augusta 04333  
October 6, 1987

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 6, 1987, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on October 6, 1987 as follows:

Appropriations and Financial Affairs

Bill "An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases" (Emergency) (H.P. 1402) (L.D. 1903) (Presented by Representative WENTWORTH of Wells) (Cosponsors: Senator ESTES of York, Representatives MURPHY of Kennebunk and FARNUM of South Berwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1405)  
State of Maine  
House of Representatives  
Augusta 04333  
October 6, 1987

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 6, 1987, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on October 6, 1987 as follows:

Appropriations and Financial Affairs

Bill "An Act Concerning Implementation of Weatherization Assistance to Maine's Elderly" (H.P. 1404) (L.D. 1904) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1408)  
State of Maine  
House of Representatives

John L. Martin  
Speaker of the House  
113th Legislature  
Charles P. Pray  
President of the Senate  
113th Legislature

Dear Mr. Speaker and Mr. President:

On October 7, 1987, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on October 7, 1987 as follows:

Appropriations and Financial Affairs

Bill "An Act to Provide Necessary Staff Resources for the Department of Economic and Community Development" (Emergency) (H.P. 1406) (L.D. 1911) (Presented by Representative HIGGINS of Scarborough) (Cosponsors: Representative NADEAU of Lewiston, Senators EMERSON of Penobscot and BERUBE of Androscoggin) (Governor's Bill)

Utilities

RESOLVE, for the Public Utilities Commission to Study the Allocation of Water Supply Rights (Emergency) (H.P. 1407) (L.D. 1912) (Presented by Representative PARADIS of Old Town) (Cosponsor: Representative VOSE of Eastport) (Governor's Bill)

Sincerely,  
S/Edwin H. Pert  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 1410)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333  
October 8, 1987

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 made the following appointments:

On July 14, 1987, pursuant to my authority under Chapter 60 of the Resolves of Maine, 1987, I appointed Representative B. Carolyne T. Mahany of Easton, Representative Charles R. Priest of Brunswick, Representative James Reed Coles of Harpswell, Representative Donald A. Strout of Corinth, Andrea L. Cianchette of Portland, and Catherine A. Lee of North Yarmouth to serve on the Commission on Maine's Future.

On July 14, 1987, pursuant to my authority under Chapter 69 of the Resolves of Maine, 1987, I appointed Representative Lorraine N. Chonko of Topsham, Representative Patrick K. McGowan of Canaan, Representative P. Kelley Simpson of Casco, Representative Dale F. Thistle of Dover-Foxcroft, and Representative Priscilla G. Taylor of Camden to serve as House members on the Commission on Children in Need of Supervision and Treatment.

On July 14, 1987, pursuant to my authority under Chapter 47 of the Resolves of Maine, I appointed Representative Fred W. Moholland of Princeton to serve as the House member on the Commission to Study the Feasibility of Constructing a 4-Lane Highway from Interstate 95 to the St. John Valley.

On July 14, 1987, pursuant to my authority under Chapter 440 of the Public Laws of 1987, I appointed Representative Margaret Pruitt Clark of Brunswick and Representative Susan J. Pines of Limestone to serve as House members on the Commission to Study the Regulation of Health Care Expenditures.

On July 15, 1987, pursuant to my authority under Chapter 66 of the Resolves of Maine, 1987, I appointed Representative Margaret Pruitt Clark of Brunswick, Representative Judy Paradis of Frenchville, and Representative Cushman D. Anthony of South Portland to serve as House members on the Commission to Study Health Services in Public Schools.

On July 15, 1987, pursuant to my authority under Chapter 445 of the Public Laws of Maine, 1987, I appointed Representative Joseph W. Mayo of Thomaston and Representative Rita B. Melendy of Rockland to serve on the Site Selection Advisory Committee.

On July 15, 1987, pursuant to my authority under Chapter 54 of the Resolves of Maine, 1987, I appointed Representative Harriet A. Ketover of Portland and Representative Susan E. Dore of Auburn to serve as House members on the Maine Study Commission on Radon.

On July 15, 1987, pursuant to my authority under Chapter 72 of the Resolves of Maine, 1987, I appointed Representative Wesley Farnum of South Berwick and Colleen Nadeau of Eagle Lake to serve on the Commission to Study the Use of Involuntary Services for Substance Abusers.

On July 15, 1987, pursuant to my authority under Chapter 68 of the Private and Special Laws of Maine, 1987, I appointed Representative Paul F. Jacques of Waterville, Representative Carl B. Smith of Island Falls, Representative Herbert E. Clark of Millinocket, Representative Carol M. Allen of Washington, Representative Willis A. Lord of Waterboro, and Representative Clyde A. Hichborn of LaGrange to serve as House members on the Maine Commission on Outdoor Recreation.

On July 20, 1987, pursuant to my authority under Chapter 498 of the Public Laws of Maine, 1987, I appointed Donald E. Nicoll of Portland and Dr. Guy Raymond of Madawaska to serve on the Maine Health Policy Advisory Council.

On July 20, 1987, pursuant to my authority under Chapter 63 of the Resolves of Maine, 1987, I appointed Representative Joseph W. Mayo of Thomaston, Representative William B. O'Gara of Westbrook, Representative Guy R. Nadeau of Saco, and Representative H. Stedman Seavey, Jr., of Kennebunkport to serve as House members on the Special Commission to Study the Use of State Valuation in Allocation of State Funding Among Municipalities.

On July 20, 1987, pursuant to my authority under Chapter 62 of the Resolves of Maine, 1987, I reappointed Representative Rita B. Melendy of Rockland to serve on the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons.

On July 20, 1987, pursuant to my authority under Chapter 68 of the Resolves of Maine, 1987, I appointed Representative Harlan Baker of Portland, Representative Rita B. Melendy of Rockland, and Representative Cushman D. Anthony of South Portland to serve as House members on the Juvenile Justice Planning Commission.

On July 20, 1987, pursuant to my authority under Chapter 67 of the Resolves of Maine, 1987, I appointed Representative Vinton T. Ridley of Shapleigh, Representative James Reed Coles of Harpswell, Representative E. Michael Swazey of Bucksport, Representative Susan E. Dore of Auburn,

and Rep. Gennette M. Ingraham of Houlton to serve as House members on the Maine Commission on Forest Land Taxation.

On July 20, 1987, pursuant to my authority under Chapter 443 of the Public Laws of Maine, 1987, I appointed Representative Charlene B. Rydell of Brunswick to serve on the Committee to Advise the Department of Human Services on AIDS.

On July 20, 1987, pursuant to my authority under Chapter 61 of the Resolves of Maine, 1987, I appointed Representative Phyllis R. Erwin of Rumford, Representative Ruth Joseph of Waterville, Representative Charlene B. Rydell of Brunswick, and Representative Ralph M. Willey of Hampden to serve as House members on the Joint Select Committee to Study the Costs of Providing Benefits and Compensation Under the Workers' Compensation Act.

On July 20, 1987, pursuant to my authority under Chapter 484 of the Public Laws of Maine, 1987, I appointed Representative Roger M. Pouliot of Lewiston to serve as the House member on the Maine Transportation Capital Improvement Planning Commission.

On July 20, 1987, pursuant to my authority under Chapter 52 of the Resolves of Maine, 1987, I appointed Representative Harriet A. Ketover of Portland and Representative Harry L. Vose of Eastport to serve on the 9-1-1 Study Commission.

On July 20, 1987, pursuant to my authority under Chapter 56 of the Resolves of Maine, 1987, I appointed Representative Peter J. Manning of Portland, Representative Daniel B. Hickey of Augusta, Representative Patrick E. Paradis of Augusta, and Representative Catharine K. Lebowitz of Bangor to serve as House members on the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute.

On July 20, 1987, pursuant to my authority under Chapter 69 of the Private and Special Laws of Maine, 1987, I appointed Representative Francis J. Perry of Mexico, Representative John Jalbert of Lisbon, and Representative Dana P. Stevenson of Unity to serve as House members on the Legal Affairs Subcommittee to Study Uniform Liquor Pricing and Other Factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages.

On July 20, 1987, pursuant to my authority under Chapter 46 of the Private and Special Laws of Maine, 1987, I appointed Representative Edward A. McHenry of Madawaska, Representative John Lisnik of Presque Isle, Representative Carl B. Smith of Island Falls, Representative John L. Martin of Eagle Lake, and Representative Gennette M. Ingraham of Houlton to serve as House members on the Aroostook County Detention Facility Study Committee.

On July 20, 1987, pursuant to my authority under Chapter 71 of the Resolves of Maine, 1987, I appointed Representative Harlan R. Baker of Portland, Representative Bradford E. Boutilier of Lewiston, and Representative Catharine K. Lebowitz of Bangor to serve on the Weatherization Services Study Committee.

On July 20, 1987, pursuant to my authority under Chapter 514 of the Public Laws of Maine, 1987, I appointed Representative Joseph W. Mayo of Thomaston, Representative John A. Cashman of Old Town, Representative Michael H. Michaud of East Millinocket, Representative James Mitchell of Freeport, Representative Annette M. Hoglund of Portland, and Representative Philip C. Jackson of Harrison to serve as House members on the Maine Commission on Land Conservation and Economic Development.

On July 20, 1987, pursuant to my authority under Chapter 439 of the Public Laws of Maine, 1987, I



appointed Representative Carol Allen of Washington to serve as the House member on the Therapeutic Pharmaceutical Monitoring Panel.

On August 3, 1987, pursuant to my authority under 22-A MRSA Section 11002, I appointed Representative Nathaniel Crowley of Stockton Springs to serve on the New England Board of Higher Education. He will be replacing Representative Neil Rolde who has resigned.

On August 7, 1987, pursuant to my authority under Chapter 471 of the Public Laws of Maine, 1987, I appointed Kenneth Allen of Sidney to serve as my designee on the Maine Human Resource Development Council.

On August 10, 1987, pursuant to my authority under Chapter 72 of the Resolves of Maine, 1987, I appointed Dr. Stanley Evans of Portland to serve on the Commission to Study the Use of Involuntary Services for Substance Abusers.

On August 19, 1987, pursuant to my authority under M.R.S.A. Section 7021, I reappointed Caroline Gentile of Presque Isle to serve on the Maine Commission for Women.

On August 28, 1987, pursuant to my authority under Chapter 68 of the Private and Special Laws of 1987, I appointed Paul E. Martin of Eagle Lake, to serve on the Maine Commission on Outdoor Recreation.

On August 28, 1987, pursuant to my authority under M.R.S.A. section 7021, I appointed Mary Rinehart Cathcart of Orono to serve on the Maine Commission for Women.

On September 4, 1987, pursuant to my authority under M.R.S.A. section 7021, I have appointed F. Celeste Branham, of Lewiston, to serve on the Maine Commission for Women.

On September 25, 1987, pursuant to my authority under Chapter 46 of the Private and Special Laws of Maine, 1987, I appointed Representative Kenneth Matthews of Caribou to serve on the Aroostook County Detention Facility Study Committee. He will be replacing former Representative Gennette Ingraham.

On September 25, 1987, pursuant to my authority under Chapter 67 of the Resolves of Maine, 1987, I appointed Representative Clyde Hichborn of LaGrange to replace former Representative Gennette Ingraham on the Maine Commission on Forest Land Taxation.

On September 30, 1987, pursuant to my authority under Chapter 58 of the Public Laws of Maine, 1987, I appointed Representative Daniel B. Hickey of Augusta to serve as the House member on the Maine Committee on Aging.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file and sent up for concurrence.

The following Communication:  
113th Maine Legislature

October 8, 1987  
Honorable Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to inform you that we have made the following appointments:  
Pursuant to our authority under Chapter 39 of the Resolves of 1987, to the Commission on Sport Fisheries.

Senator Edgar E. Erwin of Oxford  
Senator Pamela L. Cahill of Sagadahoc  
Representative James Reed Coles of Harpswell

Representative Ernest C. Greenlaw of Standish  
Pursuant to our authority under Chapter 46 of the Private and Special Laws of 1987, to the Aroostook County Detention Commission.

Eugene Conlogue of Presque Isle  
David Soucy of Fort Kent  
Honorable Michael E. Carpenter of Houlton  
Paul Adams of Houlton

Pursuant to our authority under Chapter 47 of the Resolves of 1987, to the Commission to Study the Feasibility of Constructing a 4-Lane Highway from Interstate 95 to the St. John Valley.

Gregory J. Cyr of Portage  
Philip Marquis of Fort Kent as a member from Aroostook County

Pursuant to our authority under Chapter 56 of the Resolves of 1987, to the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute.

Brian Rines of South Gardiner  
Marc Plourde of Eagle Lake  
Peggy Welch of Rumford to represent the Maine Council on Community Mental Health Services.  
Amory Houghton, III of Portland to represent the Mental Health Advisory Council.

Charles Ferguson of Augusta to serve as one of the public members.

Dr. Janet Ordway of Bangor to serve as the Psychiatrist representative.

Douglas Denning of Bangor to serve as one of the public members.

Joan Pederson of Bangor to serve as the Maine State Alliance for the Mentally Ill representative.

Kelsey Orestis of Lewiston to serve as a representative of consumers.

Ms. Marion McCue of Portland to represent the Portland Coalition of the Psychiatrically Labeled.

Pursuant to our authority under Chapter 62 of the Resolves of 1987, to the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons.

Ardis Polk of Bradford  
Belle Rush of Millinocket  
Brenda Farrington of Augusta  
Steve Tremblay of Cape Elizabeth  
Joan Derringer of Old Town  
Roland A. Ouellette of Jay  
Betty Currie of Augusta  
Carol Boston of Augusta  
Steve Richard of Presque Isle  
Robert Shore of Gardiner

Pursuant to our authority under Chapter 64 of the Resolves of 1987, to the Special Commission to Study School-entrance Age and Preschool Services.

Representative Marge L. Kilkelly of Wiscasset  
Representative James R. Handy of Lewiston  
Representative Omar P. Norton of Winthrop  
Ms. Janie Lander of Monson  
Belinda Carter of Washburn  
Lynn Morneau of Skowhegan  
Dr. Roland Burns of Fort Kent  
Senator Stephen C. Estes of York  
Senator Edwin C. Randall of Washington  
Ms. Patricia Lemaire of Lewiston to serve as the kindergarten teacher representative.  
Dr. Ralph Ryder of Millinocket to serve as school superintendent representative.  
Ms. Roberta Flynn of Bangor to serve as the administrator of a publicly funded day care center representative. (She will replace Kenneth Cole, who is not able to serve in this position.)

Laurel Daigle of Fort Kent  
Paul Frost of Stonington  
Ms. Robin Boobar of St. Albans to serve as the representative of a local coordinating committee of a pre-school coordination project.

Pursuant to our authority under Chapter 68 of the Public Laws of 1987, to the Committee to Study the Retirement System.

Mr. Peter Leslie of Cape Elizabeth  
Pursuant to our authority under Chapter 69 of the Resolves of 1987, to the Commission on Children in Need of Supervision and Treatment.

Representative Dale F. Thistle of Dover-Foxcroft to serve as Chair.

Pursuant to our authority under Chapter 71 of the Resolves of 1987, to the Weatherization Services Study Committee.

Norman Fournier of Wallagrass to serve as the Maine Community Action Association representative

Mr. T. J. Martzial of Bangor

Mr. James Sullivan of Wellington

Pursuant to our authority under Chapter 347 of the Public Laws of 1987, to the Special Select Commission on Access to Health Care.

Senator N. Paul Gauvreau of Androscoggin  
Representative Charlene B. Rydell of Brunswick  
Representative John L. Martin of Eagle Lake  
Mary Allyce Guy of East Millinocket

Mr. Ronald Deprez of Portland

Bonnie Post of Owl's Head

Marcus Barresi of Presque Isle

Clayton Harrington of Caribou

Mr. Robert Bouchard of Millinocket

Ms. Julie Plummer of Dover Foxcroft to serve as one of the uninsured consumer representatives.

Mr. Frank Phillips of Millinocket to serve as the health institution representative.

Pursuant to our authority under Chapter 349 of the Public Laws of 1987, to the Commission to Study the Impact of Game and Nongame Species on Maine's Economy.

Senator R. Donald Twitchell of Oxford

Senator Edgar E. Erwin of Oxford

Senator Pamela L. Cahill of Sagadahoc

Representative Donald V. Carter of Winslow

Representative Patrick K. McGowan of Canaan

Representative Guy R. Nadeau of Saco

Representative Richard P. Ruhlman of Brewer

Representative Ernest C. Greenlaw of Standish

Pursuant to our authority under Chapter 380 of the Public Laws of 1987, to the Cancer Prevention and Control Advisory Board.

Dr. Leslie Fernow of Dover Foxcroft

Ms. Jean Callum of Bangor

Ms. Betty Richards of Rockport

Ms. Billie Bouchard of Millinocket

Ronald Deprez of Portland

Ed Miller of Augusta

Sharon King of Augusta

Pursuant to our authority under Chapter 440 of the Public Laws of 1987, to the Commission to Study the Regulation of Health Care Expenditures.

Dr. Edward C. Andrews, Jr. of Cumberland

If you have any questions regarding these appointments, please contact one of our offices.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
DEPARTMENT OF AUDIT  
State House Station 66  
Augusta, Maine 04333  
October 8, 1987

Representative John L. Martin  
Speaker of the House of Representatives  
State House Station 2  
Augusta, Maine 04333

Dear Representative Martin:

I submit herewith the 67th Annual Report of the State Auditor for the fiscal year ended June 30, 1986. I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the officials and employees of the various state departments, courts, counties and municipalities for their cooperation with this department.

Respectfully submitted,  
s/Rodney L. Scribner, CPA  
State Auditor

Was read and with accompanying report ordered placed on file.

ORDERS

On motion of Speaker MARTIN of Eagle Lake, the following Joint Resolution: (H.P. 1386) (Cosponsors: President PRAY of Penobscot, Senator GILL of Cumberland and Representative ERWIN of Rumford)

JOINT RESOLUTION IN HONOR OF GERALDINE S. DUBORD

WHEREAS, on October 9, 1987, Geraldine S.

(Small) Dubord will retire after 25 years of service to the State of Maine, including 21 years with the Maine Legislature; and

WHEREAS, during those 21 years she has suffered through hundreds of legislative payrolls and untold numbers of sometimes illegible expense vouchers; and

WHEREAS, she has guided Legislators and legislative staff through the maze of state bureaucracy, solving problems regarding life insurance, health insurance, dental insurance, retirement benefits, deferred compensation, W-2's, W-4's and countless other red tape; and

WHEREAS, Gerry has always discharged her duties with professionalism, limitless patience and a sense of humor; and

WHEREAS, now she will be enjoying her reward on the beautiful Harpswell Coast, for all her dedicated work; now, therefore be it

RESOLVED: That, We, the Members of the House and Senate of the 113th Maine Legislature of the great and sovereign State of Maine, now assembled in Special Session, pause in our duties to pay tribute to Gerry Dubord upon her retirement from the service of this State and to express to her on behalf of the Legislature and the people of Maine a full measure of appreciation for her many years of devoted service; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to Gerry with our warmest wishes to her and her husband, Rosaire, for many happy years in the future.

Was read and adopted and sent up for concurrence.

At this point, a message was received from the Senate, borne by Senator DUTREMBLE of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

On Motion of Representative HICKEY of Augusta, the following Joint Resolution: (H.P. 1409) (Cosponsors: Senators BUSTIN of Kennebec, PEARSON of Penobscot and BERUBE of Androscoggin)

JOINT RESOLUTION IN HONOR OF SAMUEL S. SILSBY, JR. OF AUGUSTA, THE STATE OF MAINE'S FIRST ARCHIVIST  
WHEREAS, it is said that "a man's work is his monument, an indelible record that remains forever;" and

WHEREAS, there can be no greater tribute paid to Samuel S. Silsby, Jr. than the standard he planted "where a standard never flew" as Maine's first State Archivist; and

WHEREAS, the professional accomplishments of this dedicated public servant over the past 32 years, conceived in wisdom and determination, will ever be a source of edification, strength and guidance for those who follow; and

WHEREAS, Sam, the author of the State Archives and Record Management Law and principal developer of its programs and facilities, a founder and past president of the National Association of State Archivists and Administrators and long-time leader in the archival profession, now enters retirement with the special pride of knowing that what he has built has been built well, and the Maine State Archives today is foremost in this nation, which is enough of a monument for any man; now; therefore be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 113th Legislature of the State of Maine take this opportunity at the First Special Session of the 113th Legislature to honor Samuel S. Silsby, Jr., of Augusta, and to recognize his distinguished service to the people of the State of Maine over many years and offer our best wishes and Godspeed for many happy and productive years in retirement; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Sam, our esteemed colleague, in token of our respect, admiration and gratitude.

Was read and adopted and sent up for concurrence.

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

(Off Record Remarks)

(At Ease to Gong)

The House was called to order by the Speaker.

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

COMMUNICATIONS

The following Communication: (S.P. 663)

The Senate of Maine  
Augusta

October 1, 1987

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 1, 1987 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Adjust General Fund

Appropriations for the Fiscal Years Ending June 30, 1988, and June 30, 1989, and to Deauthorize an Unused and Unneeded General Fund Bond Issue Related to Acquisition of Rail Lines" (Emergency) (S.P. 662) (L.D. 1892) (Presented by Senator EMERSON of Penobscot) (Cosponsors: Representative CARTER of Winslow, Senator PEARSON of Penobscot, Representative HIGGINS of Scarborough)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

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

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 665)  
The Senate of Maine  
Augusta

October 2, 1987

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 2, 1987 as follows:

BUSINESS LEGISLATION

Bill "An Act to Alter the Effective Date of Extension of Maine's Bottle Bill" (S.P. 664) (L.D. 1893) (Presented by Senator CLARK of Cumberland) (Approved for Introduction by a majority of the Legislative Council pursuant to Joint Rule 26).

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

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

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 668)  
The Senate of Maine  
Augusta

October 2, 1987

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on October 2, 1987 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency) (S.P. 666) (L.D. 1897) (Presented by President PRAY of Penobscot) (Cosponsored by: Representative MURPHY of Kennebec, Senator PERKINS of Hancock, Speaker MARTIN of Eagle Lake)

TRANSPORTATION

Bill "An Act to Amend the Motor Vehicles Laws" (Emergency) (S.P. 667) (L.D. 1900) (Presented by Senator DOW of Kennebec) (Cosponsored by: Representative MOHOLLAND of Princeton, Representative STROUT of Corinth, Representative CALLAHAN of Mechanic Falls) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

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

Was read and ordered placed on file in concurrence.

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The following Communication: (S.P. 670)  
The Senate of Maine  
Augusta  
October 5, 1987

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 5, 1987 as follows:

ENERGY AND NATURAL RESOURCES

Bill "An Act to Extend the Reporting Deadline for Adoption of a Plan by the Maine Low-level Radioactive Waste Authority" (Emergency) (S.P. 669) (L.D. 1901) (Presented by Senator USHER of Cumberland) (Cosponsored by: Representative DEXTER of Kingfield, Representative MICHAUD of East Millinocket, Senator LUDWIG of Aroostook)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

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

Was read and ordered placed on file in concurrence.

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The following Communication: (S.P. 676)  
The Senate of Maine  
Augusta  
October 6, 1987

The Honorable Charles P. Pray  
President of the Senate

113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee and ordered printed on October 6, 1987 as follows:

LABOR

Bill "An Act to Reduce the Potential for Violence during Labor Disputes" (Emergency) (S.P. 671) (L.D. 1902) (Presented by Senator KANY of Kennebec) (Cosponsored by: Senator ERWIN of Oxford, President PRAY of Penobscot, Representative PRIEST of Brunswick) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

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

Was read and ordered placed on file in concurrence.

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The following Communication: (S.P. 678)  
The Senate of Maine  
Augusta  
October 6, 1987

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today four bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on October 6, 1987 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Provide Staff for Improvement of Corporation Filing Services within the Bureau of Corporations" (Emergency) (S.P. 675) (L.D. 1908) (Presented by President PRAY of Penobscot) (Cosponsored by: Representative NADEAU of Lewiston, Representative BOUTILIER of Lewiston) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

EDUCATION

Bill "An Act to Require the Department of Educational and Cultural Services to Promulgate Rules Necessary to Implement Legislation Enacted During the First Regular Session Concerning Certified Nursing Assistants" (Emergency) (S.P. 672) (L.D. 1905) (Presented by Senator GAUVREAU of Androscoggin) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

STATE AND LOCAL GOVERNMENT

Bill "An Act Authorizing Certain Debt of the County of Piscataquis for Renovation and Expansion of Jail Facilities and Ratifying Certain Action Taken by Piscataquis County in Connection with the Authorization of this Debt" (Emergency) (S.P. 673) (L.D. 1906) (Presented by President PRAY of Penobscot) (Cosponsored by: Representative THISTLE of Dover-Foxcroft, Representative HUSSEY of Milo, Representative GOULD of Greenville) (Approved for

Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

UTILITIES

Bill "An Act to Correct the Sewer Lien Law" (Emergency) (S.P. 674) (L.D. 1907) (Presented by President PRAY of Penobscot) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

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

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 681)  
The Senate of Maine  
Augusta  
October 6, 1987

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one bill and one resolve was received by the Secretary of the Senate. Pursuant to the provisions of Joint Rule 14, this bill and resolve was referred to the Joint Standing Committee and ordered printed on October 6, 1987 as follows:

BANKING AND INSURANCE

Bill "An Act to Exempt the First Certificate of Need Continuing Care Retirement Community Demonstration Project from Certain Requirements" (Emergency) (S.P. 679) (L.D. 1909) (Presented by Senator PERKINS of Hancock) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

STATE AND LOCAL GOVERNMENT

Resolve, to Extend the Reporting Deadline of the Weatherization Services Study Committee (Emergency) (S.P. 680) (L.D. 1910) (Presented by President PRAY of Penobscot) (Cosponsored by: Speaker MARTIN of Eagle Lake, Senator EMERSON of Penobscot, Representative BAKER of Portland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

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

Was read and ordered placed on file in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1392) (L.D. 1890) Bill "An Act to Correct a Typographical Error in the Solid Waste Law" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 1388) (L.D. 1887) Bill "An Act to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-408)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

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

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:  
ORDERED, that Representative Charles R. Priest of Brunswick be excused June 30 for personal reasons. Was read and passed.

(At Ease to Gong)

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 683)  
JOINT RESOLUTION IN MEMORIAM TO RETIRED JUSTICE WILLIAM S. SILSBY, SR.

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable William S. Silsby, Sr. of Aurora on September 19, 1987; and WHEREAS, his passing marks the end of the exceptional life of a man whose character, wisdom and understanding have served this State well for many years; and

WHEREAS, Judge Silsby was an individual of boundless energy, spirit and good humor who was devoted to the high standards of his profession and who has left us a legacy of compassion and commitment worthy of our aspiration; and

WHEREAS, "Bill," as he was fondly called, was an outstanding attorney, Legislator, Justice of the Superior Court and a distinguished 77th Speaker of the Maine House of Representatives whose wise and warm counsel will be greatly missed; now therefore be it

RESOLVED: That We, the Members of the Senate and House of Representatives, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share this great loss and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased; and be it further

RESOLVED: That suitable copies of this joint resolution, duly authenticated by the Secretary of State, be transmitted forthwith in evidence of our lasting respect for his memory.

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

COMMUNICATIONS

The following Communication: (S.P. 682)  
STATE OF MAINE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE 04333  
October 8, 1987

Honorable Joy J. O'Brien  
Secretary of the Senate

State House Station 3  
Augusta, Maine 04333

Dear Madam Secretary:

This is to inform you that I have made the following appointments:

Pursuant to my authority under Chapter 39 of the Resolves of 1987, to the Commission on Sports Fisheries.

July 13, 1987, Senator Edgar E. Erwin of Oxford  
Senator Pamela Lee Cahill of Sagadahoc

Pursuant to my authority under Chapter 46 of the Private and Special Laws of 1987, to the Aroostook County Detention Commission.

July 13, 1987, Senator Raynold Theriault of Aroostook  
Senator Margaret G. Ludwig of Aroostook

Pursuant to my authority under Chapter 47 of the Resolves of 1987, to the Commission on the Feasibility of Constructing a Highway to the St. John Valley.

July 13, 1987, Senator Raynold Theriault of Aroostook

Pursuant to my authority under Chapter 52 of the Resolves of 1987, to the 9-1-1 Study Commission.

July 13, 1987, Senator John M. Kerry of York

Pursuant to my authority under Chapter 54 of the Resolves of 1987, to the Commission on Radon.

July 13, 1987, Senator Judy C. Kany of Kennebec  
Senator Margaret G. Ludwig of Aroostook

Pursuant to my authority under Chapter 56 of the Resolves of 1987, to the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute.

July 20, 1987, Senator Beverly Miner Bustin of Kennebec

July 21, 1987, Senator Barbara A. Gill of Cumberland

Pursuant to my authority under Chapter 58 of the Public Laws of 1987, to the Maine Committee on Aging.

July 20, 1987, Senator Nancy Randall Clark of Cumberland

Pursuant to my authority under Chapter 60 of the Resolves of 1987, to the Commission on Maine's Future.

July 13, 1987, Senator Michael D. Pearson of Penobscot  
Senator Judy C. Kany of Kennebec

July 22, 1987, Senator Thomas R. Perkins of Hancock

August 14, 1987, Mr. Anthony Buxton of Portland  
Mr. Dennis King of Yarmouth

September 1, 1987, Mr. George Boyce of Auburn  
Ms. Dori Corliss of Dover-Foxcroft

September 25, 1987, Mr. William Seretta of Yarmouth  
Mr. Edward Kane of South Portland

Mr. David Cota of Greenville

Pursuant to my authority under Chapter 61 of the Resolves of 1987, to the Joint Select Committee to Study the Costs of Providing Benefits and Compensation Under the Workers' Compensation Act.

July 13, 1987, Senator Donald F. Collins of Aroostook  
Senator Raynold Theriault of Aroostook

Pursuant to my authority under the Resolves of 1987, Chapter 62, to serve on the Maine Commission on the

Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons.

July 30, 1987, Senator Beverly Miner Bustin of Kennebec

Pursuant to my authority under Chapter 63 of the Resolves of 1987, to the Special Commission to Study the Use of State Valuation in Allocation of State Funding among Municipalities.

July 13, 1987, Senator R. Donald Twitchell of Oxford  
Senator Edwin C. Randall of Washington  
Senator Stephen C. Estes of York

Pursuant to my authority under Chapter 66 of the Resolves of 1987, to the Commission to Study Health Services in Public Schools.

July 22, 1987, Senator Stephen C. Estes of York  
Senator Mary-Ellen Maybury of Penobscot

Pursuant to my authority under Chapter 67 of the Resolves of 1987, to the Maine Commission on Forest Land Taxation.

July 13, 1987, Senator Ronald E. Usher of Cumberland  
Senator R. Donald Twitchell of Oxford  
Senator Charlotte Zahn Sewall of Lincoln

Pursuant to my authority under Chapter 68 of the Private and Special Laws of 1987, to the Maine Commission on Outdoor Recreation.

July 22, 1987, Senator Zachary Matthews of Kennebec  
Senator Charles G. Dow of Kennebec  
Senator R. Donald Twitchell of Oxford  
Mr. Darrell Morrow of Millinocket

Pursuant to my authority under Chapter 68 of the Resolves of 1987, to the Juvenile Corrections Planning Commission.

July 13, 1987, Senator Beverly Miner Bustin of Kennebec  
Senator Jerome A. Emerson of Penobscot

Pursuant to my authority under Chapter 69 of the Resolves of 1987, to the Commission on Children in Need of Supervision and Treatment.

July 13, 1987, Senator Joseph C. Brannigan of Cumberland  
Senator Barbara A. Gill of Cumberland

Pursuant to my authority under Chapter 69 of the Private and Special Laws of 1987, to the Legal Affairs Subcommittee to Study Uniform Liquor Pricing and Other factors in the Operation of the State Liquor Commission and the Bureau of Alcoholic Beverages.

July 22, 1987, Senator Robert G. Dillenback of Cumberland  
Senator Stephen C. Estes of York

Pursuant to my authority under Chapter 71 of the Resolves of 1987, to the Weatherization Services Study Committee.

July 13, 1987, Senator Michael D. Pearson of Penobscot  
Senator Jerome A. Emerson of Penobscot

Pursuant to my authority under Chapter 72 of the Resolves of 1987, to the Commission to Study the Use of Involuntary Services for Substance Abusers.

July 10, 1987, Senator Zachary Matthews of Kennebec  
 July 20, 1987, Lynn Duby of Augusta  
 Betty McLaughlin of Haynesville

Pursuant to my authority under Chapter 347 of the Public Laws of 1987, to the Special Select Commission on Access to Health Care.

July 13, 1987, Senator N. Paul Gauvreau of Androscoggin

Pursuant to my authority under Chapter 349 of the Public Laws of 1987, to the Commission to Study the Impact of Game and Non-game Species on Maine's Economy.

July 13, 1987, Senator R. Donald Twitchell of Oxford  
 Senator Edgar E. Erwin of Oxford  
 Senator Pamela Lee Cahill of Sagadahoc

Pursuant to my authority under Chapter 439 of the Public Laws of 1987, to the Therapeutic Pharmaceutical Monitoring Panel.

September 1, 1987, Senator John E. Baldacci of Penobscot

Pursuant to my authority under Chapter 443 of the Public Laws of 1987, to serve on the Blue Ribbon Commission to Study the Regulation of Health Care Expenditures.

July 13, 1987, Robert McReavy of Dover-Foxcroft  
 Senator N. Paul Gauvreau of Androscoggin

Pursuant to my authority under Chapter 443 of the Public Laws of 1987, to the Commission to Advise the Department of Human Services on AIDS.

July 13, 1987, Senator Barbara A. Gill of Cumberland

Pursuant to my authority under Chapter 445 of the Public Laws of 1987, to the Site Selection Advisory Committee.

July 20, 1987, Senator Charlotte Zahn Sewall of Lincoln

Pursuant to my authority under Chapter 471 of the Public Laws of 1987, to serve as my designee on the Human Resource Development Council.

July 22, 1987, Senator Dennis L. Dutremble of York

Pursuant to my authority under Chapter 484 of the Public Laws of 1987, to the Maine Transportation Capitol Improvement Planning Commission.

July 13, 1987, Senator Raynold Theriault of Aroostook  
 Senator Charles G. Dow of Kennebec

Pursuant to my authority under Chapter 498 of the Public Laws of 1987, to the Maine Health Policy Council.

July 20, 1987, Senator N. Paul Gauvreau of Androscoggin

July 22, 1987, Mr. James Coffey of Bangor

Pursuant to my authority under Chapter 514 of the Public Laws of 1987, to the Maine Commission on Land Conservation and Economic Development.

July 13, 1987, Senator R. Donald Twitchell of Oxford  
 Senator John L. Tuttle, Jr. of York  
 Senator Margaret G. Ludwig of Aroostook

Pursuant to my authority under M.R.S.A. 37B, Section 954, to the Radiological Emergency Preparedness Committee.

August 17, 1987, Senator Judy C. Kany of Kennebec

Pursuant to my authority under M.R.S.A. 5, Section 7021, to the Maine Commission for Women.

August 12, 1987, Honorable Stephanie Locke of Sebec  
 Ms. Yolanda Bulley of Millinocket

If you have any questions, please contact my office.

Sincerely,  
 s/Charles P. Pray  
 President of the Senate

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

Was read and ordered placed on file in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 669) (L.D. 1901) Bill "An Act to Extend the Reporting Deadline for Adoption of a Plan by the Maine Low-level Radioactive Waste Authority" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 1391) (L.D. 1889) RESOLVE, Authorizing the Commissioner of Administration to Modify the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 667) (L.D. 1900) Bill "An Act to Amend the Motor Vehicles Laws" (Emergency) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-297)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed or passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(H.P. 1387) (L.D. 1886) Bill "An Act to Authorize Aroostook County to Raise \$500,000 for Renovations and Additions to the Aroostook County Jail" (Emergency) Committee on State and Local Government reporting "Ought to Pass"

On motion of Representative Carroll of Gray, was removed from Consent Calendar, First Day.

Subsequently, the Committee Report was read and accepted, the Bill read once and assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

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

(H.P. 1399) (L.D. 1898) Bill "An Act to Change the Effective Date of the Mahogany Quahog Tax and to Abate Taxes Previously Assessed under the Law" (Emergency) Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-411)

(H.P. 1400) (L.D. 1899) Bill "An Act Concerning Stored Lobsters" (Emergency) Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-410)

(H.P. 1393) (L.D. 1891) Bill "An Act to Resolve Conflict Resulting from Repealing the Exemption of State Lottery Winnings from State Income Tax and Simultaneous Recodification of the Lottery Law" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-409)

(H.P. 1407) (L.D. 1912) RESOLVE, for the Public Utilities Commission to Study the Allocation of Water Supply Rights (Emergency) Committee on Utilities reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar was given, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Amend the Comprehensive Protection for Ground Water Law" (H.P. 1411) (L.D. 1913) (Presented by Representative MAYO of Thomaston) (Cosponsors: Senator BUSTIN of Kennebec, Representatives LORD of Waterboro and HOGLUND of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Law Affecting the Transfer of Shoreland Property" (Emergency) (H.P. 1412) (L.D. 1915) (Presented by Representative HOLLOWAY of Edgecomb) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Committee on Energy and Natural Resources suggested was suggested.)

Under suspension of the rules, without reference to any committee, the Bills were read twice, passed to be engrossed and sent up for concurrence.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

CONSENT CALENDAR  
First Day

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

(S.P. 662) (L.D. 1892) Bill "An Act to Adjust General Fund Appropriations for the Fiscal Years Ending June 30, 1988, and June 30, 1989, and to Deauthorize an Unused and Unneeded General Fund Bond Issue Related to Acquisition of Rail Lines" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 666) (L.D. 1897) Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed in concurrence.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative NUTTING of Leeds, the following Joint Resolution: (H.P. 1413) (Cosponsors: Senator GILL of Cumberland, Representatives VOSE of Eastport and DAVIS of Monmouth)

JOINT RESOLUTION COMMENDING COMMUNITY-BASED HEALTH CENTERS OF THE STATE OF MAINE

WHEREAS, "Ours is a world which brings pain and hardship, suffering and disaster, but then sets in motion ingenious agencies which quietly but steadily repair the damage;" and

WHEREAS, community health centers are agencies that provide community-based, comprehensive and primary health care services to many communities in the State; and

WHEREAS, they deliver high quality, affordable and accessible health care to medically underserved communities that have come to depend upon them for their primary care needs; and

WHEREAS, their emphasis on health promotion and disease prevention enhances the overall health of the community and lowers the incidence of major health problems; now, therefore be it

RESOLVED: That We, the Members of 113th Legislature of the State of Maine now assembled in Special Legislative Session, take this opportunity to commend all those who provide community-based health care throughout the State and offer our support and encouragement for their dedicated efforts; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each center within the State in token of our appreciation.

Was read and adopted and sent up for concurrence.

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act Amending the Law Concerning 'Beano' or 'Bingo' on Indian Reservations" (Emergency) (H.P. 1382) (L.D. 1884)

Signed:

Senators: KANY of Kennebec  
DILLENBACK of Cumberland  
ESTES of York

Representatives: STEVENS of Sabattus  
JALBERT of Lisbon  
MURPHY of Berwick  
PAUL of Sanford  
STEVENSON of Unity  
MARTIN of Van Buren  
TUPPER of Orrington

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

Signed:

Representative: HARPER of Lincoln  
(Representative PRIEST of Brunswick - of the House - Abstained)

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.  
Representative PAUL: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.  
Ladies and Gentlemen of the House: The purpose of this bill is to clarify certain sections of public law of 1987, Chapter 197, which was recently enacted by the First Regular Session of the 113th



Legislature. It is purely a housekeeping measure dealing with the sale of sealed tickets and allowing non-tribal members to work at the games.

During the committee hearing and subsequent work sessions, it apparently was assumed that the sale of sealed tickets was to be part of the bingo operation. However, at a later date this year, the tribe was informed that they were not allowed to sell sealed tickets under the prevailing games of chance. The amendment before you would allow the sale of sealed tickets at bingo games.

The second amendment would allow non-tribal members to work for minimum wage at high-stakes bingo games. Serious staff shortages would occur if non-community members were not allowed to work. High-stakes bingo is a big operation requiring a minimum of 35 staff people. We are talking about games that would draw 750 people or more.

Presently, every member of the Penobscot Tribe who has applied for work has been hired.

I hope you will vote favorably on this bill.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent up for concurrence.

FOSS of Yarmouth  
LISNIK of Presque Isle  
McGOWAN of Canaan  
CARTER of Winslow  
NADEAU of Lewiston

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

Signed:

Senator: BERUBE of Androscoggin  
Representative: CHONKO of Topsham

Reports were read.

On motion of Representative Carter of Winslow, the Majority "Ought to Pass" Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-413) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence (with the exception of L.D. 1915) were ordered sent forthwith to the Senate.

(At Ease to Gong)

DIVIDED REPORT

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-412) on Bill "An Act to Delay Implementation of Certain Fire Safety Standards" (Emergency) (H.P. 1389) (L.D. 1888)

Signed:

Senators: KANY of Kennebec  
DILLENBACK of Cumberland  
ESTES of York

Representatives: PRIEST of Brunswick  
STEVENS of Sabattus  
JALBERT of Lisbon  
MURPHY of Berwick  
PAUL of Sanford  
HARPER of Lincoln  
MARTIN of Van Buren  
TUPPER of Orrington

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

Signed:

Representative: STEVENSON of Unity

Reports were read.

On motion of Representative Priest of Brunswick, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-412) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-413) on Bill "An Act to Provide Necessary Staff Resources for the Department of Economic and Community Development" (Emergency) (H.P. 1406) (L.D. 1911)

Signed:

Senators: EMERSON of Penobscot  
PEARSON of Penobscot

Representatives: FOSTER of Ellsworth  
DAVIS of Monmouth

The House was called to order by the Speaker.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency) (H.P. 1396) (L.D. 1895)

Signed:

Senators: TUTTLE of York  
GOULD of Waldo  
Representatives: WENTWORTH of Wells  
ANTHONY of South Portland  
BICKFORD of Jay  
LOOK of Jonesboro  
HUSSEY of Milo

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator: BALDACCI of Penobscot  
Representatives: CARROLL of Gray  
ROTONDI of Athens

Reports were read.

On motion of Representative Carroll of Gray, the Majority "Ought to Pass" Report was read and accepted, the Bill read once.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent up for concurrence.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Authorize Aroostook County to Raise \$500,000 for Renovations and Additions to the Aroostook County Jail" (Emergency) (H.P. 1387) (L.D. 1886)

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

Representative Carroll of Gray offered House Amendment "A" (H-419) and moved its adoption.

House Amendment "A" (H-419) was read by the Clerk and adopted.

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

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(H.P. 1402) (L.D. 1903) Bill "An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-414)

(H.P. 1395) (L.D. 1894) Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as

amended by Committee Amendment "A" (H-416)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

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

SENATE PAPERS

The following Communication:

The Senate of Maine  
Augusta  
October 9, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Economic Development, the Governor's nomination of Nathaniel H. Bowditch of Auburn as Commissioner of the Department of Economic and Community Development.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta  
October 9, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nominations of Dr. Thomas E. Eastler of Farmington, Dr. John F. Gibbons of Cape Elizabeth and Sheldon G.

Richardson of Washburn for appointment to the Maine Low-Level Radioactive Waste Authority.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta  
October 9, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of David J. Soucy of Fort Kent for reappointment to the Workers' Compensation Commission.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta  
October 9, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Susan W. Calkins of Dover-Foxcroft for reappointment as Judge, Maine District Court.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta  
October 9, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Robert E. Crowley of Kennebunk for appointment as Judge-at-Large to the Maine District Court.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta  
October 9, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Morton A. Brody of Waterville for reappointment as Justice, Maine Superior Court.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:  
The Senate of Maine  
Augusta  
October 9, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Clare H. Payne of Bangor for appointment to the Maine Indian-Tribal State Commission.

Clare H. Payne is replacing Bonnie Post.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:  
The Senate of Maine  
Augusta  
October 9, 1987

The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Labor, the Governor's nomination of William M. Houston, Esq. of Bangor for appointment as Public Member and Chairman to the Maine Labor Relations Board.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 677)  
JOINT RESOLUTION MEMORIALIZING  
THE CONGRESS OF THE UNITED STATES

CONCERNING THE HARDSHIP CREATED BY DENIALS  
OF HOME HEALTH SERVICES' BENEFITS BY MEDICARE

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Special Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, many of Maine's citizens are in ill health and in need of care but do need or desire hospitalization; and

WHEREAS, home health care is often the best medically advised care these citizens; and

WHEREAS, Medicare is a major payor of home health care; and

WHEREAS, in recent years, the Health Care Finance Administration, without any change in the law, has administratively reduced the amount of home health care which should be funded by Medicare; and

WHEREAS, Medicare home health visits have currently been reduced by 1/3 and one out of every 3 of those visits is still being denied Medicare reimbursement; and

WHEREAS, this unilateral, administrative action has been arbitrary, unpredictable, capricious and in open defiance of established regulations and laws; and

WHEREAS, a number of home health care providers have elected to discontinue providing services under Medicare certification; and

WHEREAS, the result is that many Maine citizens who need and are entitled to home health services are unable to receive the necessary treatment; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to take immediate corrective action including, but not limited to:

1. The declaration of a moratorium on the Medicare home health benefit denials process until a responsible system or review can be developed; and

2. Enactment of strong legislation which will prohibit the Health Care Finance Commission's ability to act inconsistently with the established laws and the Congressional intent in regard to Medicare reimbursement for home health services; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each member of the Congress of the United States.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(S.P. 664) (L.D. 1893) Bill "An Act to Alter the Effective Date of Extension of Maine's Bottle Bill" Committee on Business Legislation reporting "Ought to Pass"

(S.P. 673) (L.D. 1906) Bill "An Act Authorizing Certain Debt of the County of Piscataquis for Renovation and Expansion of Jail Facilities and Ratifying Certain Action Taken by Piscataquis County in Connection with the Authorization of this Debt" (Emergency) Committee on State and Local Government reporting "Ought to Pass"

(S.P. 674) (L.D. 1907) Bill "An Act to Correct the Sewer Lien Law" (Emergency) Committee on Utilities reporting "Ought to Pass"

(S.P. 680) (L.D. 1910) RESOLVE, to Extend the Reporting Deadline of the Weatherization Services Study Committee (Emergency) Committee on State and Local Government reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed in concurrence.

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 684)

Ordered, the House concurring, that the following specified matter be held over to the next special or regular session of the 113th Legislature:

COMMITTEE	BILL
Banking and Insurance	(S.P. 679) (L.D. 1909) - AN ACT to Exempt the First Certificate of Need Continuing Care Retirement Community Demonstration Project from Certain Requirements.

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

The following Joint Order: (S.P. 686)

ORDERED, the House concurring, that the following specified matter be held over to the next regular session of the 113th Legislature:

COMMITTEE	BILL
Education	(S.P. 672) (L.D. 1905) - AN ACT to Require the Department of Educational and Cultural Services to Promulgate Rules Necessary to Implement Legislation Enacted During the First Regular Session Concerning Certified Nursing Assistants.

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

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Resolution: (S.P. 687)  
 JOINT RESOLUTION REQUESTING THE  
 DEPARTMENT OF HUMAN SERVICES  
 DIVISION OF MATERNAL AND CHILD HEALTH  
 TO BROADEN THE ELIGIBILITY REQUIREMENTS  
 FOR PRENATAL CARE PROGRAM

WHEREAS, since, under emergency rules which took effect on August 25, 1987, eligibility requirements for prenatal care under the Prenatal Care Program are limited to women whose family income does not exceed 125% of the poverty level; and

WHEREAS, it is estimated that these emergency rules will deny between 150 and 175 women vitally needed prenatal care; and

WHEREAS, it is the desire of this Legislature that no needy women are denied essential prenatal care and that the current unacceptable limitations remedied; therefore be it

RESOLVED: That We, the members of the One Hundred and Thirteenth Legislature in the First Special Session, respectfully request and urge the Department of Human Services, Division of Maternal and Child Health, to change the limitations of the existing eligibility guidelines so that more women who are deemed to truly need essential prenatal care may receive this valuable service; and be it further

RESOLVED: That the department provide the necessary funds for implementing this change by the transfer from other accounts and that the department

aggressively seek federal support for this extension of services; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Human Services.

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

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act an to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers" (Emergency) (S.P. 685) (L.D. 1914)  
 (The Committee on Reference of Bills had suggested reference to the Committee on Banking and Insurance.)

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

Under suspension of the rules and without reference to a Committee, the bill was read once and assigned for second reading later in today's session.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Extend the Reporting Deadline for Adoption of a Plan by the Maine Low-Level Radioactive Waste Authority (S.P. 669) (L.D. 1901)

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. 112 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Motor Vehicles Laws (S.P. 667) (L.D. 1900) (S. "A" S-297)

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. 117 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.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Correct a Typographical Error in the Solid Waste Law (H.P. 1392) (L.D. 1890)

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. 117 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.

ENACTOR  
Later Today Assigned

An Act to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products (H.P. 1388) (L.D. 1887) (C. "A" H-408)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain Employees Excluded from Collective Bargaining (S.P. 666) (L.D. 1897)

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. 106 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Adjust General Fund Appropriations for the Fiscal Years Ending June 30, 1988, and June 30, 1989, and to Deauthorize an Unused and Unneeded General Fund Bond Issue Related to Acquisition of Rail Lines (S.P. 662) (L.D. 1892)

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. 109 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Change the Effective Date of the Mahogany Quahog Tax and to Abate Taxes Previously Assessed under the Law (H.P. 1399) (L.D. 1898) (C. "A" H-411)

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. 113 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.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Stored Lobsters (H.P. 1400) (L.D. 1899) (C. "A" H-410)

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. 112 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Resolve Conflict Resulting from Repealing the Exemption of State Lottery Winnings from State Income Tax and Simultaneous Recodification of the Lottery Law (H.P. 1393) (L.D. 1891) (C. "A" H-409)

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. 103 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.

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, Authorizing the Commissioner of Administration to Modify the Plan for Expenditure of the \$6,000,000 Bond Issue to Identify and Correct Asbestos Problems in State Facilities (H.P. 1391) (L.D. 1889)

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. 103 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

RESOLVE, for the Public Utilities Commission to Study the Allocation of Water Supply Rights (H.P. 1407) (L.D. 1912)

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. 105 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Comprehensive Protection for Ground Water Law (H.P. 1411) (L.D. 1913)

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.

The following items appearing on Supplement No. 22 were taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Allocate Funds from the Highway Fund to Carry out a Feasibility Study on a Truck Registration Center" (Emergency) (S.P. 688) (L.D. 1916)

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 Transportation.)

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

Bill "An Act to Clarify the Law Affecting the Transfer of Shoreland Property" (Emergency) (H.P. 1412) (L.D. 1915).

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby L.D. 1915 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-420) and moved its adoption.

House Amendment "A" (H-420) was read by the Clerk and adopted.

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

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

On motion of Representative Martin of Eagle Lake, Recessed until the sound of the gong.

(After Recess)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-417) on Bill "An Act to Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law" (Emergency) (H.P. 1398) (L.D. 1896)

Signed:

Senator: USHER of Cumberland  
 Representatives: LORD of Waterboro  
 ANDERSON of Woodland  
 DEXTER of Kingfield  
 JACQUES of Waterville  
 MITCHELL of Freeport  
 MICHAUD of East Millinocket  
 COLES of Harpswell  
 HOLLOWAY of Edgcomb  
 HOG LUND of Portland  
 RIDLEY of Shapleigh

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-418)

Signed:

Senator: TUTTLE of York  
 Reports were read.

On motion of Representative Michaud of East Millinocket, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-417) was read by the Clerk.

Representative Michaud of East Millinocket offered House Amendment "A" (H-423) to Committee Amendment "A" (H-417) and moved its adoption.

House Amendment "A" (H-423) to Committee Amendment "A" (H-417) was read by the Clerk and adopted.

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

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

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

The Chair laid before the House the following item: An Act to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products (H.P. 1388) (L.D. 1887) (C. "A" H-408) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby L.D. 1887 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-421) and moved its adoption.

House Amendment "A" (H-421) was read by the Clerk and adopted.

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

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

The following item appearing on Supplement No. 27 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative PARADIS of Augusta, the following Joint Order: (H.P. 1414)

Ordered, the Senate concurring, that the following specified matter be held over to the next special session of the 113th Legislature:

COMMITTEE	BILL
Judiciary	(H.P. 1383) (L.D. 1885) -
	AN ACT Relating to Out-
	of-court Statements
	made by Minors.

Was read and passed and sent up for concurrence. By unanimous consent, was ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

SENATE PAPER

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-298) on Bill "An Act to Reduce the Potential for Violence during Labor Disputes" (Emergency) (S.P. 671) (L.D. 1902)

Signed:

Senator: DUTREMBLE of York  
 Representatives: RUHLIN of Brewer  
 TAMMARO of Baileyville  
 McHENRY of Madawaska  
 RAND of Portland  
 JOSEPH of Waterville  
 HALE of Sanford

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

Signed:

Senator: COLLINS of Aroostook  
 Representatives: HEPBURN of Skowhegan  
 WILLEY of Hampden  
 ZIRNKILTON of Mount Desert  
 BEGLEY of Waldoboro

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-298)

Reports were read.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought to Pass" Report.

I do hope that we can pass this bill. I understand that it will be next to impossible to pass this as an emergency issue. I hope that the people who want to help the working people, who want to resolve the problem of violence at the picket line, would vote for this bill because it is a bill that would help to prevent violence at the workplace. It may not be the best bill in the world. I, for one, don't believe it is the best bill in the world but anything that we can do to prevent violence would be good.

I have lived through a strike and I know what it is like to be in the picket line. The majority of people here have not been in a picket line so I don't really believe that they truly appreciate the feeling of seeing yourself out in the street unable to earn enough money to survive, especially today with the threat that the big paper companies have on the working people, the threat of losing your job to another person who may not even be from the State of Maine, may not be from your community but are from outside.

I cannot describe the feeling we have when we see people taking over our jobs. If it happened to you, I am sure you would understand. I can feel it. I haven't seen that threat yet personally but I have seen where the industry that I work for wanted to move out paper and the feeling of the people was if they moved out that paper, it would mean another additional week that we would be out of work. It would mean an additional week or two weeks that they would be trying to starve us in order for us to go back.

Ladies and gentlemen, if you see people coming in and taking over your job, it means that you are no longer going to work, that is the feeling they are going to have. Don't tell me that that is not going to create great violence. If you had been there when they moved that railroad -- the railroad people came in and we had about every state trooper in the state, every sheriff in the county marching right along side of that, just like in the Army, worse than Russia, and I assure you that the people just blew up. It was not a pretty sight. Rocks and pieces of timber were flying all over the place. This was only paper moving out, these weren't jobs, this was paper, and it meant an additional one or two weeks out of work.

I pray to God I never see the day that we have a strike. I truly mean that. I don't like to think of what could happen when people start coming in taking over jobs and taking food out of the mouths of the children. That is the way they feel. Once you hurt a human being's child and you don't have respect for your fellow man, we are in deep trouble.

I hope that you will vote for anything that will prevent violence.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the Representative from Madawaska doesn't think this is the greatest bill in the world because I certainly don't. It is a relative thing, I am sure, and somehow or another this can't (I don't believe)

possibly do what the framer's of this bill intended it to do. In the first place, it is entitled "An Act to Reduce the Potential for Violence During Labor Disputes" -- well, the contention is, if you have people applying for jobs to replace those people who are on strike, that if you do it in one location that it incites violence but if you do it in a multitude of locations that are off the premises, then everything is going to be fine. If you stop and think just a moment, I think you have to realize that this may not be the case.

For instance, take the labor strife that is going on now in Jay. There is a confined area, the mill itself, where it is fenced, there are limited number of entrances and exits where these people can go in and apply for the jobs. Remember, this does not prohibit people from applying for the jobs of those who are out of work because they have gone on strike. These people can apply for jobs there and the police department there are well aware of the conditions that exist. As a matter of fact, recently they have had an additional appropriation to supplement the police force to take care of these things. This has been going on now for four months. They are well aware of what they have to do and, in recent history, there has been no problem at all.

This bill says you can no longer accept applications in the area in which there is a labor dispute, but you can go off premises, you can go to the Holiday Inn downtown, you can go to the Holiday Inn 400 miles away and accept applications to fill these jobs.

In the first place, the company would have to advertise for these jobs and certainly those who are on strike are going to read the ads. They are going to be able to be there as well. In this instance, applications will be accepted, there will be interviews, examinations, and that sort of thing in whatever area they choose. It could be one county or another. It could be Aroostook County, Washington County, it could be anywhere. They do have to notify that community in advance. It doesn't say how much in advance but a little bit in advance that they are going to be there. The police departments of these small towns are not educated, not trained, and have absolutely no experience in handling this sort of confrontation.

If those people go to those towns and travel 50, 100 or 200 miles or whatever it may be, do you think they are going to leave their frustrations and concerns behind? They are going to take those concerns with them. Regardless of where that was held, these people have the same concerns, the same considerations, the same frustrations and the same possibility to overreact in one area as they would in another.

I have been on both sides of this labor issue. I have been on one side in a labor strike. I have been on the other side in a strike and I know exactly how emotions run, they run very strongly in both instances. There isn't any way that you can leave these concerns behind.

Yesterday we had a hearing on this bill, a long hearing, I think three and a half hours or something like that. One of the people who testified to this bill was John Atwood, whose title (I think) is Superintendent of the Department of Public Safety. He did testify as being neither for nor against the bill. He did say he was opposed to Section 3 of the bill, which is really the meat of it. The reason he was concerned was because of public exposure. For instance, if you are able to go to a town or must go to a town that is several hundred miles removed or a hundred miles or fifty miles removed, and you are

able to rent the Holiday Inn, Elks, or whatever it is, then the public is more exposed than it would be in the confines of the place of business in Jay (in this instance).

I don't think that the public needs to get involved in this or should get involved in it. It does provide that there will be an informational picket line. In my own personal experience, I have seen an informational picket line turn into something entirely different than that, simply because of emotions involved. If emotions do become involved, you know very well there will be some destruction of property, there always is. In that instance -- what happens? You have to go to court and get an injunction to do anything about it.

What this bill does is to export the problem from the town in which it should be located, where it can be confined to another location. I liken it to solid waste. Nobody wants solid waste in their vicinity so you send it somewhere else. Those people don't like it either but you try very much to palm it off on somebody else. The people in Jay, and I am sure they are very sick of this whole thing as any town involved in a strike would be, want to get rid of it but do you think if they start interviewing people in another area that those people in that area are going to be happy either? No, they are not, they are simply inheriting a problem they shouldn't have to contend with at all. It doesn't do anything except increase the possibility of public involvement. It doesn't say you can't hire these people. You certainly can by federal law and they will continue to be hired in that fashion. It simply seems to me to be overwhelmingly evident that you can control this sort of activity better in one place than you can scattered all over the state. It has been tried before, with little success. It was tried two or three years ago at the Oxford Fairgrounds -- there was considerable strife and they had to cancel part of the program. It has been tried in Calais at the Holiday Inn where there was a confrontation. It has been tried many, many times and there is absolutely no evidence that it wouldn't be a conflict, no matter where it was tried.

I sincerely hope that you will defeat this bill. I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: With all due respect to my colleague, Mr. Willey, I am a framer of a piece of legislation that we might call a companion piece of legislation to this legislation. That legislation was the security guard legislation that upgraded the standards for security guards on the premises of mills during labor disputes and it clarified and strengthened the weak areas dealing with security guards.

This bill was designed to do exactly as its title says and that is to "Reduce the Potential for Violence During Labor Disputes." This bill was designed to fill those loopholes that were not thought of when the first bill was passed. Therefore, I would hope that you would consider this bill as a piece of legislation that is going to actually do that, to lessen the opportunity for violence.

The scenario is that somebody is on strike and they are striking a certain work site, and if you are bringing in a thousand job applicants for either permanent replacement positions or for temporary positions and you bring them through the picket line at the worksite to apply for this position, then it stands to reason that those emotions that you just

heard about are going to be incited and raised to the point where violence might occur. We don't want that. What we do seek to do is not to broaden the opportunity for violence. What we seek to do is to have these applications taken at a place not at the worksite. People who work in a mill and are on strike because of differences with management spend eight to ten hours a day -- five, six, seven days a week there and it becomes a home away from home. There is a territorial feeling about that. They feel that that is their place, their possession. Therefore, they feel very protective. It is a turf problem. However, if these job applicants were received at a neutral place, anywhere other than the picket line that would perhaps be involved, this is what is called an informational picket line.

The example that I gave yesterday at the hearing was that many of us have been at airports in the past year where different airlines have been on strike and walking in front of that terminal were people who were picketing that particular airline. They were called informational picketers. They were there to inform the public of the fairness or unfairness of their particular employer. I think because of that, this bill is absolutely essential to keep the peace and to reduce violence. The example that you heard about in Calais, Maine and at the fairgrounds in Mexico, were occurrences long before the first bill dealing with security guards and weapons was conceived and passed by this body.

I do want to make a point which I think should be on record. If you do not think there is any violence and that you do not think this is an area where violence could occur, I have from the Chief of Police of Jay, weapons that were submitted to us by their town manager, Mr. Charles Noonan, and these assorted weapons were taken, not from striking workers, but all of these weapons were taken from job applicants, who were interested in permanently replacing the present work force. There were 13 assorted bats, 15 assorted knives, 8 guns, 1 sword, 2 boot hooks, 4 different sized night sticks, six assorted pieces of wood, axe handles, broom handles, 2 crowbars, 1 tire iron, one pair of 14 inch wooden-handled nunchaku's and other assorted items. These items were confiscated from applicants who were seeking jobs to replace workers. These people would go through a picket line -- if they were harassed which they probably would be, if they were verbally assaulted, which they probably would be, you know how they might react.

I think this bill is essential, I urge you to vote for it.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I think every member of this body is very sympathetic toward the situation occurring in Jay and any strike that takes place. Most members here can only imagine what it would be like to be standing in a picket line at their place of employment -- in some cases 20, 30 or more years -- and watch replacement workers cross over the same gate that they have crossed day in and day out to take over their jobs. That would not be a very good feeling. There is no question that a feeling like that could build hostility and eventually erupt into violence of some kind.

I have to agree to a limited extent that I do believe that somewhat controlling the application and interviewing of candidates at the site would result in defusing somewhat the potential for violence at the site itself. I think it is important to realize



that you would still have the shift changes, and in these cases those are not candidates interviewing for jobs but actually replacement workers who are crossing those lines going in there and taking over the jobs of those people who are out there on those picket lines and that potential for violence is still very much there.

My real problem with this bill is that it does not contain the potential for violence in one place but rather spreads it to other parts of that community or to surrounding communities or to other parts of the state. We were given examples yesterday of the Boise Cascade strike where Boise had taken applications for potential employees at other areas of the state. They cited examples where those informational picket lines or those neutral zones, if you will, did result in violent situations. One particular situation that was mentioned was a fair somewhere in the state where innocent members of the public are, and the company was there taking applications. I guess they had a tent or something set up and the situation got so hot that they had to cancel a show, a concert that was scheduled to take place that evening because they feared what might happen to innocent people, the public.

Any law enforcement officer knows, and there are some of you here, that whenever you have a potentially explosive situation, you try to contain that situation to one area. Ideally, you try to contain it to an area where the public, innocent people, are not going to somehow be involved, or worse yet, be injured as a result of whatever situation might arise. For that reason, I think it would behoove us today not to mandate, not to legislate, to force these companies to do their interviewing, soliciting and eventual hiring of replacement workers, if that is what they are insisting upon doing, in other areas where innocent people, Maine people, are potentially exposed to a dangerous situation, perhaps even bodily injury.

The gentlelady offered you a scenario at an airline terminal where airlines are offering these informational pickets, parading up and down and showing you why they feel the airline is not being fair to them in their particular situation. I think that here the difference is that those people who are participating in that informational picket, they realize that if we, the airline travelers, the innocent members of the public, are not there to interview for a job, we are not there to turn in our application to become an airline employee, we are there to catch a flight, we are not a threat to them. But if you have another situation, a separate building with an informational picket line set up outside and you have these people going in and out for no other purpose but to either obtain an application, possibly fill out that application and maybe even take away the job from somebody who has had that job for a very long time, somebody who depends upon that job to feed their family. I don't believe, and I don't think you will believe either, that the level of hostility, the anger that could be felt by these people is going to be tempered any more by watching these people go into another building than by going into the mill itself. The result that you will have will be very bad feelings at the mill, at the shift changes, very hot feelings, not only there, but also at whatever place the separate applications are done. For that reason, I would urge you to reject this bill today.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: It is unfortunate that the

Labor Committee is divided along partisan lines on an issue that there is no place in the State of Maine to have partisanship when we are dealing with labor disputes, and labor dispute violence that those disputes bring about.

The gentleman from Mt. Desert used a past example of something that happened in the Boise Cascade labor dispute violence. I want to point out to the members of this House that that example was before this 113th and was addressed by what I call the "goon squad" bill, the security guard bill. That did make a step towards preventing a repeat of that type of violence, but I do not feel it went far enough.

Tonight I think we have a chance to help secure the citizens of the State of Maine from violence. That labor dispute violence has no respect for employees or employers, they are all affected. It has no respect for gender, it has no respect for classes, it has no respect with a person's political affiliation.

I would like to explain to you for a moment two situations and one of the reasons I came to support this bill.

Situation number one, you have what I call a hard picket line. This is something that the labor relations allow striking workers to do. It is making confrontation on site of the employer who is being struck against. They have a right, under the labor laws, to confront people who enter that property. They have a right, if you will, to call them scabs, to act, I feel, in a very unpleasant manner, but that is the right, that is the labor laws of this nation. So here we have people coming into that location, threatening to take away those jobs. An employer who realizes that in this day and age we need media hype with our strikes -- got to be on TV -- got to do all this -- so what I will do, every job I have I will have three people come in for interviews and I can drag those people in every 15 or 20 minutes around the clock all day to continue to enforce this confrontation, this face-to-face confrontation. That by itself is inciting violence.

The other thing that will happen, because these people are coming in all day long rather than being hired at an eight o'clock shift or nine o'clock shift all at one time, then you have that confrontation but for only that shift change. There is a big difference. There is a big difference especially when somebody is coming in on a shift with 300 people or whatever it may be, they may not feel it is necessary to carry some of these weapons the Jay police department talks about, like a Japanese samurai sword or a baseball bat. Fifty-three items were confiscated from individuals who showed up by themselves and felt they did not have the safety in numbers and had to carry offensive weapons to protect themselves, they thought, but in fact were threatening people who were legally involved in a labor dispute. That is scenario number one.

How about scenario number two where you take applications off-site -- now the strikers can only picket in an informational way. They cannot go up to somebody. I had a situation like this in Bangor that I observed -- they can lean in somebody's face and say "scab, get out of here." They can walk by with their picket sign, they can hand out information but they, in no way, can threaten that person who is going in to apply for that job. To do so is counter to the labor laws of this nation and also would be open to civil disorderly conduct. That is an improvement from going up to a gate and trying to get through what they call a hard picket line where you are going to run into that face-to-face confrontation.

I feel in light of this that we are not spreading the violence. What we are doing is limiting the violence, we are cutting down on the violence and, in so doing, we are protecting the citizens of the State of Maine, both the employer as well as the employee.

I hope you will join with me in voting for this bill.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I think it is safe to say that we all deplore violence. I honestly do not believe this is a good vehicle to suppress the violence that has been expressed here tonight.

We must remember that if this law were passed and a person was hired after they had been interviewed away from the premises, that person is still going to have to cross the picket line to go to work. I cannot support the part of this bill that is mandatory to a business which says that the company can hold interviews but not on their own premises. They are not going to have any choice if this bill is passed -- we are saying they have to be off the premises and I do not feel that I can support that.

This action, if we were to do it, tips the delicate scales of balance between labor and management and I urge you to vote no on this bill.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: This bill truly will reduce a situation that is potentially a volatile one. By not having on-premise hiring of striking positions to be filled, then the strikers are not reminded each time they see them. It also prohibits any picketing or protesting within 200 feet of the off-site hiring by the employees involved in a labor dispute. This is, again, another safeguard to protect the job applicants and to reduce any potential face-to-face confrontations.

It also expands on the security guard bill that was passed by this House this session. If a law enforcement agency, while they are being used as security guards, are prohibited from wearing their uniforms and badges and using their rifles or their firearms in any way while they are employed as security guards, actually reduces the potential for violence because of seeing another person coming into your territory applying for your job. Knowing that someone is being interviewed for your job, knowing that this is a potential permanent replacement, is a very difficult thing to face but if you do not have to see it, then the potential or the anger that you feel as an individual is lessened.

I urge you to vote with the majority.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I won't prolong this because I have this idea -- I don't know why I have this idea but somehow I have this idea that largely these words are falling on deaf ears anyway.

I would want to ask just one thing. Had you rather have this activity confined to one area where the people are experienced and educated to handle this sort of thing or would you rather have it happen in any of the 480-odd communities in the state? That is the question you have to ask yourself.

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 Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: I have been sitting here listening to the arguments. I have read the bill and can only come to one conclusion and that conclusion is that this bill is neither logical nor consistent nor necessary. Does logic mean that if you have a potential for violence at one place, in order to reduce that violence, you create a second place for that potential to occur? That is not logical, that is not a reduction, that is an expansion.

Does consistency say that if you have a situation where you are afraid that some people, through the emotion of the particular situation, will lose control, break the law and become violent -- then if you create another place and put those same people there, you are telling me that they are going to obey the law and not become violent? That is grossly inconsistent. The same emotions exist, the same psychological situation exists. The only thing that has changed is the place. To end this real quickly -- there is a real simple way to resolve it, there is a real simple way to resolve the violence that is involved with this strike or any other strike -- people on the picket lines must obey the law. It is against the law for them to be violent.

We are passing laws or attempting to pass laws to create situations to protect people or to create a place to allow people to break the law in safety. There may be violence here so we will create another place so they can have their violence here or their potential for violence there. That is idiocy, plain and simple idiocy.

Why is a striker any different than me? If I lose my temper, regardless of the heat or the emotionality of the situation and become violent, I am violating the law, I am interfering with other peoples' rights. Why do we, from special action in this body, attempt to create a situation where we almost justify that for a striker but when the ordinary citizen does it, he is still violating the law? The answer is simple -- we don't need this bill. All we need is people who obey the laws that we already have.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker has not been listening to the gentleman from Brewer -- when we say that you have a hard picket line, you can use verbal abuse to the people crossing those lines. When you have an informational picket line, you cannot do that. Informational picket lines are 200 feet from the entrance, a hotel for instance -- how can you say that that person going in there is applying for your job or is just a client? How can you tell if that person is or is not going to attend a meeting? You cannot, so you cannot have any real violent feelings towards anyone going in. There is a big difference. I like to believe that I have a little intelligence, maybe I don't, but I believe that I am talking about a subject that I know something about. I wish that the good gentleman would open his ears and his heart.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, I request permission to pair my vote with the Representative from Millinocket, Representative Clark. If he were here and voting, he would be voting yea and I would be voting nay.

The pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report. Those in favor motion will vote yes; those opposed will vote no.

ROLL CALL NO. 169

YEA - Aliberti, Allen, Anthony, Bickford, Bost, Carroll, Carter, Cashman, Chonko, Clark, M.; Coles, Cote, Diamond, Dore, Duffy, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hogleund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, P.; Paul, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, Walker, The Speaker.

NAY - Anderson, Begley, Bott, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farren, Foss, Foster, Garland, Greenlaw, Harper, Holloway, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Moholland, Murphy, E.; Murphy, T.; Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Telow, Tupper, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Bailey, Baker, Boutilier, Brown, Conley, Crowley, Dutremble, L.; Erwin, P.; Farnum, Hanley, Hepburn, Higgins, Hillock, Jackson, Lacroix, Macomber, McPherson, Nicholson, Paradis, J.; Perry, Racine, Reeves, Warren, Webster, M.

PAIRED - Clark, H.; Strout, D.

Yes, 71; No, 50; Absent, 25; Vacant, 3; Paired, 2; Excused, 0.

71 having voted in the affirmative and 50 in the negative with 25 being absent, 3 vacant, and 2 having paired, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-298) was read by the Clerk.

On motion of Representative Diamond of Bangor, tabled pending adoption of Committee Amendment "A" and later today assigned.

The following items appearing on Supplement No. 21 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act Amending the Law Concerning "Beano" or "Bingo" on Indian Reservations (H.P. 1382) (L.D. 1884)

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. 107 voted in favor of the same and 8 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 Delay Implementation of Certain Fire Safety Standards (H.P. 1389) (L.D. 1888) (C. "A" H-412)

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. 102 voted in favor of the same and 13 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 Provide Necessary Staff Resources for the Department of Economic and Community Development (H.P. 1406) (L.D. 1911) (C. "A" H-413)

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. 105 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 24 were taken up out of order by unanimous consent:

ENACTOR  
Emergency Measure

An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases (H.P. 1402) (L.D. 1903) (C. "A" H-414)

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. 98 voted in favor of the same and 19 against and accordingly the Bill failed enactment.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (H.P. 1395) (L.D. 1894) (C. "A" H-416)

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 the 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 Authorizing Certain Debt of the County of Piscataquis for Renovation and Expansion of Jail Facilities and Ratifying Certain Action Taken by Piscataquis County in Connection with the Authorization of this Debt (S.P. 673) (L.D. 1906)

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. 116 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.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Correct the Sewer Lien Law (S.P. 674) (L.D. 1907)

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. 110 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.

PASSED TO BE ENACTED  
Emergency Measure

RESOLVE, to Extend the Reporting Deadline of the Weatherization Services Study Committee (S.P. 680) (L.D. 1910)

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. 110 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Alter the Effective Date of Extension of Maine's Bottle Bill (S.P. 664) (L.D. 1893)

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.

The following item appearing on Supplement No. 26 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED  
Emergency Measure

An Act to Allocate Funds from the Highway Fund to Carry out a Feasibility Study on a Truck Registration Center (S.P. 688) (L.D. 1916)

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. 107 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby (H.P. 1402) (L.D. 1903) (C."A" H-414) "An Act to Make Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases" (Emergency) failed enactment.

The same Representative requested a roll call vote on enactment.

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. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 170

YEA - Aliberti, Allen, Anderson, Anthony, Bickford, Bost, Bott, Carroll, Carter, Cashman, Chonko, Clark, M.; Coles, Cote, Davis, Dellert, Diamond, Dore, Duffy, Farren, Foss, Foster, Gould, R.

A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hoglund, Holloway, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Mahany, Manning, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, E.; Paradis, P.; Paul, Pines, Pouliot, Priest, Rand, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Seavey, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Strout, B.; Strout, D.; Swazey, Tannaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Walker, Wentworth, Whitcomb, The Speaker.

NAY - Begley, Bragg, Callahan, Curran, Dexter, Garland, Harper, Kimball, Look, Marsano, Parent, Reed, Scarpino, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Weymouth, Willey, Zirkilton.

ABSENT - Armstrong, Bailey, Baker, Boutilier, Brown, Clark, H.; Conley, Crowley, Dutremble, L.; Erwin, P.; Farnum, Hanley, Hepburn, Higgins, Hillock, Jackson, Lacroix, Macomber, McPherson, Nicholson, Paradis, J.; Perry, Racine, Reeves, Warren, Webster, M..

Yes, 101; No, 21; Absent, 26; Vacant, 3; Paired, 0; Excused, 0.

101 having voted in the affirmative and 21 in the negative with 26 being absent and 3 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Resolution: (S.P. 690)

JOINT RESOLUTION RESPECTFULLY URGING GOVERNOR JOHN R. MCKERNAN, JR.

TO TAKE CERTAIN ACTION TO PREVENT THE LOSS OF WORKERS' COMPENSATION COVERAGE IN MAINE WHEREAS, the potential of mass withdrawal of workers' compensation insurance carriers from the State threatens to prevent the State from fulfilling its social and economic obligations to protect its workers; and

WHEREAS, the Superintendent of Insurance has authorized the withdrawal of 13 companies comprising approximately 60% of the market effective December 31, 1987, apparently on the grounds that he has no alternative in light of a recent decision of the Kennebec County Superior Court with regard to Docket Number CR-87-253; and

WHEREAS, the decision of the Kennebec County Superior Court is on appeal before the Maine Supreme Judicial Court and will be heard in November, 1987, with a decision likely to be issued during the Second Regular Session of the 113th Legislature; and

WHEREAS, an ongoing legislative study committee has almost finished its evaluation of the Workers' Compensation Commission; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature now assembled respectfully urge the Governor of the State of Maine to intervene with the Superintendent of Insurance and to the superintendent to rescind his withdrawal authorization, or delay the authorizations until the Maine Supreme Judicial Court has decided on the ruling of the Kennebec County Superior Court with regard to Docket Number CR-87-253

and the legislative study committee has issued its recommendations to the Second Regular Session of the 113th Legislature; and be it further

RESOLVED: That a duly authenticated copy of this resolution be sent forthwith by the Secretary of State to the Honorable John R. McKernan, Jr.

Came from the Senate, read and adopted.

Was read.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, I would like to pose a question through the Chair.

In the second from the last paragraph, the Resolution requests that the superintendent rescind his withdrawal authorization and I was wondering if someone could cite for us an existing statute regarding that authority to do so?

The SPEAKER: Representative Murphy of Kennebunk has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: In response to the gentleman's question, I just spoke with the legislative policy analyst who was assigned to the Committee on Banking and Insurance who informed me that in Title 24a, Section 415a, the provision cited in the next to the last paragraph, exists to give the power to approve a withdrawal, nowhere is it dealt with whether or not there is any prohibition on the action of the Superintendent of Insurance to rescind that authorization. Therefore, the statute is silent on that issue and, as a result, there appears to be no prohibition on that whatsoever.

However, it should be noted that through the APA, Title 5, procedures exist that allow for rulemaking and certain procedures for all to follow. In this instance, one would have to assume that a public hearing would have to be held first before such an effort to rescind could take place.

I hope that answers the gentleman's question.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would like to thank the gentleman from Bangor for his response. It appears that there is no authority in existing statute that specifically lays out authority for the Superintendent of Insurance to rescind that type of decision. So what we are asking him to do here in this Joint Resolution is do something that, under law, he has no authority to do. I think we are all beginning to come to the conclusion that we do have a problem in this state and the resolution is incorrect in terms of today where we have been talking about 60 percent of the firms leaving and so forth. As of today, that is now up to 75 percent with two new firms requesting to leave the state, Hanover Insurance and Wausau. The law clearly lays out the steps for withdrawing from the state in terms of submitting a plan, the 60 days, the court docket case reference that is made here -- I assume that that is to the challenge of the 1985 reforms. I hope no one is hoping that those reforms are going to be thrown out. I just don't see the purpose behind this. The Superintendent of Insurance does not have that authority to rescind that. We have a proclamation on our desk today that the Governor is bringing a bill to us, the legislature is beginning to gear up for that process and I don't understand the need for this Joint Resolution.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: It should be noted that the case cited in here is not the challenge to the 1985 reforms that we passed. It is a challenge to Liberty withdrawal from Maine. That should be noted and I wanted to correct the gentleman on that.

Secondly, it is pretty clear among those who have dealt in any way with the Superintendent of Insurance that he has very broad powers, very far-reaching powers. Some of those powers are explicit, some are implicit. Nonetheless, he has the ability to deal with situations in a way that are applicable for the times.

In the Resolution before us, we are asking the Governor to exercise whatever power he has in order to accomplish a goal that is mutually acceptable to all of us and that is to get this situation in control to provide some stability. If the Governor does not have those powers or finds he does not have those powers, if his belief conflicts with ours, then he should state so. Nonetheless, he should pursue whatever avenues are available in order to resolve this situation. This Resolution, and that is all it is, it is a Resolution, calls on the Governor to take that action to do whatever he can to resolve the situation. It is not a change in the law that could have some legal ramifications. It is a Resolution on the part of the House calling on him to do what he can to help relieve the tension and help put the minds of employers and employees in the state at ease.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: It is my understanding that the Superintendent of Insurance has taken that company to court twice. The first time was when there was an attempt to cancel the policies. The second time was in terms of forcing them to continue to accept assigned risk cases as well as an injunction in September. So I think that, under the law, in terms of clear powers of the Superintendent of Insurance, the Governor and the insurance commissioner have taken the necessary steps.

I think this is a smoke screen. I think that we have a Special Session called and I think that anyone who thinks that we are going to pass a Joint Resolution, then put our heads in the sand and the problem is going to go away because the Maine Legislature passed a Joint Resolution, is just putting off a problem that is begging for us in a responsible way to come up with the solutions to a crisis and I think we all accept its existence. I would urge the defeat of this Joint Resolution.

Mr. Speaker, when the vote is taken, I request a roll call.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I just got a call again from the Office of Policy and Legal Analysis to follow up on my earlier request. In Title 24a, Section 229, Subsection 6, it is explicitly stated that the Superintendent of Insurance does have the power to postpone any action dealing with withdrawal authorization that has been presented. That is Title 24a, Chapter 229, Subsection 6.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, may I pose a question to the gentleman from Bangor? Is the gentleman saying that postponing and rescind are one and the same?

The SPEAKER: Representative Murphy of Kennebunk has posed a question through the Chair to

Representative Diamond of Bangor, who may respond if he so desires.

The Chair recognizes that Representative.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: In reading the next to the last paragraph to which the gentleman referred, it says in line five that the request is for the Superintendent to rescind his withdrawal authorization or delay the authorizations until the Maine Supreme Judicial Court has decided. I can read the language of the section that I just referred to if the gentleman so desires. It says, "Pending the hearing and decision thereon, the superintendent may suspend or postpone the effective date of his previous action." I think it is pretty clear that this provision or the request to the Governor certainly is appropriate, it is permissible by law and it certainly deals with the situation in question.

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 Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, I wish permission to pose a question to the gentleman from Bangor.

Would the gentleman from Bangor in terms of calling for a postponement within the definition of that verb -- say that taking a company to court twice as well as seeking an injunction against that company falls within the definition of postponing?

The SPEAKER: Representative Murphy of Kennebunk has posed a question through the Chair to Representative Diamond of Bangor who may respond if he so desires.

The Chair recognizes that Representative.

Representative DIAMOND: Mr. Speaker. I am sorry to say I didn't understand the gentleman's question. If he wouldn't mind repeating it, I would attempt to answer it.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy, who may restate his question.

Representative MURPHY: Mr. Speaker, Men and Women of the House: I was trying to catch the gentleman between phone calls with Policy and Analysis or whoever he was speaking to. You have called for a postponement and for the Superintendent of Insurance to do so -- in defining that term, would you say that his actions taking a specific company to court twice as well as seeking an injunction would fall within that definition?

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond, who may respond to the question.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: In attempting to answer the gentleman's question, it could be construed that that is an attempt to postpone. However, what we are asking for through this Resolution is something specific that is specifically tied to the abilities that we have so stated in the law, the ability that we believe he expressly has. For that reason, it seems that the Resolution, in calling on the Governor to encourage that action, is appropriate, is proper, and is something that should be pursued.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of the

Resolution (S.P. 690). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 171

YEA - Aliberti, Allen, Anthony, Bickford, Bost, Carroll, Cashman, Chonko, Clark, M.; Coles, Cote, Diamond, Dore, Duffy, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, P.; Paul, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, Walker, The Speaker.

NAY - Anderson, Begley, Bott, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farren, Foss, Foster, Garland, Greenlaw, Harper, Hichborn, Holloway, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Murphy, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Telow, Tupper, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Bailey, Baker, Boutilier, Brown, Carter, Clark, H.; Conley, Crowley, Dutremble, L.; Erwin, P.; Farnum, Hanley, Hepburn, Higgins, Hillock, Jackson, Lacroix, Macomber, McPherson, Nicholson, Paradis, J.; Perry, Racine, Reeves, Strout, D.; Warren, Webster, M..

Yes, 70; No, 50; Absent, 28; Vacant, 3; Paired, 0; Excused, 0.

70 having voted in the affirmative and 50 in the negative with 28 being absent and 3 vacant, the Resolution was adopted in concurrence.

The following item appearing on Supplement No. 31 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Amend the Charter of the Eastport Port Authority" (Emergency) (H.P. 1396) (L.D. 1895) which was passed to be engrossed in the House on October 9, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-300) in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 30 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 689)

ORDERED, the House concurring, that the following specified matters be held over to the next special session of the 113th Legislature:

COMMITTEE	BILL
Appropriations and Financial Affairs	(H.P. 1404) (L.D. 1904) - AN ACT Concerning Implementation of Weatherization Assistance to Maine's Elderly.
Appropriations and Financial Affairs	(S.P. 675) (L.D. 1908) - AN ACT to Provide Staff for Improvement of Corporation Filing Services within the Bureau of Corporations.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Reduce the Potential for Violence during Labor Disputes" (Emergency) (S.P. 671) (L.D. 1902) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (S-298).

Subsequently, Committee Amendment "A" was adopted.

Under suspension of the rules, the bill was read a second time.

Representative Diamond of Bangor offered House Amendment "A" (H-424) and moved its adoption.

House Amendment "A" (H-424) was read by the Clerk.

Representative Zirnkilton of Mt. Desert requested a roll call vote on adoption of House Amendment "A".

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 adoption of House Amendment "A." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 172

YEA - Aliberti, Anthony, Bickford, Bost, Carroll, Carter, Clark, M.; Coles, Cote, Diamond, Dore, Duffy, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hichborn, Hickey, Hognlund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, P.; Paul, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Thistle, Tracy, Vose, Walker, The Speaker.

NAY - Anderson, Begley, Bott, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farren, Foss, Foster, Garland, Greenlaw, Harper, Holloway, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Moholland, Murphy, E.; Murphy, T.; Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Scarpino, Seavey, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Taylor, Telow, Tupper, Wentworth, Weymouth, Whitcomb, Zirnkilton.

ABSENT - Allen, Armstrong, Bailey, Baker, Boutillier, Brown, Cashman, Chonko, Clark, H.; Conley, Crowley, Dutremble, L.; Erwin, P.; Farnum, Hanley, Hepburn, Higgins, Hillock, Jackson, Lacroix, Macomber, McPherson, Nicholson, Paradis, J.; Perry, Racine, Reeves, Strout, D.; Warren, Webster, M.; Willey.

Yes, 68; No, 49; Absent, 31; Vacant, 3; Paired, 0; Excused, 0.

68 having voted in the affirmative and 49 in the negative with 31 being absent and 3 vacant, House Amendment "A" was adopted.

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

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

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

As Amended

Bill "An Act an to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers" (Emergency) (S.P. 685) (L.D. 1914)

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

Representative Rydell of Brunswick offered House Amendment "A" (H-422) and moved its adoption.

House Amendment "A" (H-422) was read by the Clerk and adopted.

Representative Simpson of Casco offered House Amendment "B" (H-425) and moved its adoption.

House Amendment "B" (H-425) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: If I could pose a question to the gentleman from Casco -- we have heard today that the date for leaving the state would be December 31st. Taking the emergency off that bill and having it effective 90 days from now, would make that bill effective what date?

The SPEAKER: Representative Murphy of Kennebunk has posed a question through the Chair to Representative Simpson of Casco, who may respond if he so desires.

The Chair recognizes that Representative.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: Assuming we are talking about 90 days, we are talking about sometime in January. The intent of the bill is to require, as you know, that those insurance companies that are selling workers' compensation or any other type of insurance in other states, offer all their products within the State of Maine. Whether that was enacted before the date that you are talking about, December 31st or not, it would still have the same effect. I hope that answers your question. I don't know the specific date.

Subsequently, House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: We finally have this bill before us in terms of being able to debate it. All through today, before we met in session and during the various breaks that we have taken, we have been dancing around a central fact that we have all slowly begun to face and that is, we are coming back here October 21st, we are going to have a comprehensive bill in hand and the legislature will begin reacting, analyzing, accepting, rejecting or modifying a proposal coming from the Governor.

We have had the implication that this bill is a substitute for that process. The implication has been -- you pass this bill and the problem is going to go away. Right now in terms of the movies, one of the most popular type of movies you could go see or invest in right now are what they call, teen flicks

-- well we had those when we were growing up in the 1950's and 1960's and there was always a theme in there of playing chicken. Two vehicles headed down the road and who was going to give or who was going to yield, it was a gamble and sometimes the hero would win but many times in those movies it ended in a fiery crash. I think what we are doing here is, we are saying, let's substitute this for the legislative process and the problem is going to go away. We have got to realize that if we trust in this bill solely, and we don't begin to accept our responsibility and we attempt to go back home and say, we passed a law, the problem has gone away, we are going to find December 31st or January 1st, that Maine working people, and they work at a variety of very dangerous occupations, are not going to have insurance protection because the firms are going to be gone. Seventy-five percent of them that provide the coverage in the state are saying, we are leaving. Do you want to take that chance? Do you want to go along and have, as of January 1st, Maine employers and many times the employee and the employer are one and the same, do you want no coverage, that when that worker gets hurt, the only way of bringing a suit against that employer or the assets of that firm and we can start watching Maine businesses begin to fold, to begin to collapse because the business owners have no insurance to protect them? And the Maine employees who are hurt cannot be protected the rest of their lives because there wasn't enough assets in that small business that is just getting by?

This is a smoke screen. Some may firmly believe that you can pass this thing and you have dealt with the problem. I am sorry but that is not the case. This is a bad bill, it is playing a game of chicken, just like in a 1950's movie and the potential is a fiery crash and Maine workers are put at risk and those people who employ Maine workers having the assets of their business and their personal assets put at risk.

I would urge you to reject this bill. Mr. Speaker, when the vote is taken, I request a roll call.

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At this point, Representative Diamond assumed the Chair to act as Speaker Pro Tem.

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The House was called to order by the Speaker Pro Tem.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: It is not often that someone can get to me with words but I guess the words of Representative Murphy did, with the words, "Pass this bill and this will, basically, make the problem go away and people will have the feeling that we don't have a problem to deal with." That, men and women of the House, is about as far from the truth as anything could be.

Let me tell you the potentials of this bill. It is entirely possible for this legislation to help solve the problem, not only in Workers' Compensation, but in other lines as well. Very often, we as citizens of the state are somewhat microscopic about what it is and what goes on outside this state. You have to remember that the insurance companies and other corporations do not act in vacuums. It is a precipitation of what they perceive to be their bottom line profit. I understand that.

What they are doing here in Maine is nothing more than what they have done in other states in this nation. Florida, at this very moment, is undergoing a crisis in medical malpractice. When the legislature attempted to regulate, they said, we are not going to provide anymore coverage and, as a result, we are leaving the state. They have done it in West Virginia along another line. It is going on in Massachusetts with car insurance where 60 percent of the companies are pulling out because of the regulations that the legislature is imposing upon them. Basically, they want to cut their losses from those particular lines from which they make no profit. I understand that, that is their corporate desire. I understand their goal but it doesn't mean that I have to participate in allowing them to make excess profits off the backs of Maine citizens.

Let me tell you, granted this piece of legislation may not be the best piece of legislation in the world, but we are caught in a situation because of a manufactured crisis, and by all rights you ought to know, that a crisis today does exist -- it has been manufactured but it does exist today.

Let me quickly lay it out for you because I think you deserve to know about it before the Special Session of October 21st. We had a hearing in the state dealing with Liberty Mutual, they wanted to withdraw. They were brought into court and that has not yet been brought to an end. I have to go back for a moment to remind you that the Superintendent of Insurance has been in this state less than four months or somewhere around that range. He said before the Banking and Insurance Committee that he knew nothing about the Workers' Compensation situation or problems in Maine. Yet, we found out in court transcripts last week that four weeks after he had been in Maine, (called perhaps an instant Massachusetts attorney's expert) has learned the law and now goes to meet with Liberty Mutual in a motel in Massachusetts, four weeks after he is on the job. I find that a little strange and I think you will too. Following that, he has two additional meetings (according to the court transcripts) with Liberty Mutual at their home office in Massachusetts. In that court transcript, we also found (and I wish I had read the court transcripts - I would have, if somebody had provided it to me) that he commits the Governor of this state to a Special Session to be held in October before the first of November so that we can solve the Workers' Compensation problem for Liberty Mutual.

Men and Women of this House, we operate under this law under the APA. Some of you have heard about it -- it is found in Title 5. Some of you who are attorney's in this state know what an ex parte discussion is, with a case potentially pending before that person, it is as much a violation for that person to go, for whatever purpose, as it is for a judge or a PUC commissioner to be involved in discussions in which that person will eventually make a decision on. I wish I could have seen the transcript because it would have made our work so much easier. We would not have appointed a Select Committee on Workers' Compensation at the end of the session in order for them to report to the next legislature. We would have, hopefully, picked out another mechanism to deal with the problem. We thought we had until January.

There is no one that I know of, including myself, that does not believe that there are not problems with Workers' Compensation. Coverage -- who provides coverage? It needs to be corrected.



Unfortunately, we will now have to do so under a gun as they hold the rest of us hostage. That, to me, is unfortunate. That means hasty legislation.

What I asked the Governor was very simple. When he first approached me on Tuesday of last week and informed me that the next day he was calling a Special Session, I said, "We need time. The legislature is going to have a very difficult time to work in a vacuum. We are caught in a situation where we will have to provide the best available law without hurting the workers, the employers or anyone else. How we can do that, in that very short period of time, is beyond me. We need time."

The superintendent could have provided that time, as laid out in the Joint Order that was passed from the other body. Hearings could have been requested on the withdrawals but they were not. The law says very clearly that, if withdrawals by an insurance company potentially causes havoc in the market, that hearings may be conducted. Under the law, they can still be on all of those that he has granted petitions on, if he wanted to. Make no bones about it, there is a crisis.

This piece of legislation is an attempt to give us a little bit of flexibility and time.

Let me tell you what other states are doing in trying to deal with the same kinds of problems -- Florida is presently reviewing whether or not they should introduce legislation that says, when an insurance company leaves the state for whatever reasons, they can't come back for five years. If a company decides they are not going to do business and we change the law, they can't benefit. Those who benefit will be the ones who stay. We could do any number of things to solve the problem of the insurance companies. One of the biggest problems in this state is some of the industries that we need to cover. Oklahoma, for example, not known for its liberalism, has passed a bill where a mutual company takes over the business of particular things which other companies (the profit making companies) don't want or can't take. It flows in and out of that company and they support it.

Let me illustrate to you why the crisis has been precipitated to the point where we are today and why we got there. For those in the BIW area, and perhaps you read about it in the newspaper a number of years ago, where Aetna used to be the provider of Workers' Compensation for BIW. BIW put it out to bid and Liberty Mutual won the bid -- lost tremendous amounts of money, which they are still trying to recoup in this state and I understand that, but they are the ones who underbid Aetna by millions of dollars. Now that they have moved into BIW, they have acquired a very large portion of the assigned risk pool and, with that, they are responsible because of the way the assigned risk pool is made and manufactured. They pick up other policies that other people in this state are buying on assigned risk. The net result is that they now have 22 percent of the market and others are walking away from them.

The superintendent could have cut the cost of Workers' Compensation by the stroke of his pen -- with assigned risk. We are the only state in which an insurance department or bureau or superintendent allows 40 percent for administration. Let me illustrate that -- every dollar that you pay for for Workers' Compensation, in assigned risk, 40 percent or 40 cents of every dollar, does not go to pay for benefits, medical care, lawyer's fees, or anything else. It goes to administration and that leaves them 60 percent to do everything. That 40 cents goes in their pocket for administration. We are the only state. The closest to that is 30. This year, the

companies went to 40 and the superintendent bought it. That means that we lost another 10 cents on every dollar. The net result of that is, that anyone who is an assigned risk, which by the way 90 percent of all insurances now, are assigned risks, which covers 60 percent of the workers of Maine. Ninety percent of all policies in this state now are assigned risk policies, which covers 60 percent of all the workers of this state and the net result, therefore, is that they only have 60 cents to deal with paying out benefits and paying for the costs. That 40 cents is simply not thrown into the figures and that goes into the corporate profits and is not figured into the Workers' Compensation model.

Last year, we had a company who was willing to do all the servicing on all the assigned risks for 15 percent. That would have left 85 percent of the money to pay for everything else, including profits, I might point out. Obviously, they are going to lose money at that 60 percent.

As I told the Governor today, it is not that I disagree with the basic set of facts -- (1) we have a crisis, forgetting for the moment who created it, we can lay it out for all of you, if you so desire, because it is there but forgetting that -- but knowing that there is a crisis, knowing that the issues are so complicated -- my fear and my concern is how can I, as a presiding officer of a body made up of citizen legislators, who have commitments to their families, their homes and to their jobs, bring them all in here for an indefinite period of time as we learn about the issues of Workers' Compensation? That, in my opinion, is not fair to members of the legislature and it is not fair, I think, to the profits. I know that some people will say, "We have a crisis and, therefore, we have to deal with it." I appreciate that but I think the other side of that coin is, we have to remember that none of us want a professional legislature. If you have been around here for the last three or four years that is where we are moving and we ought to be moving away from that so we can entice more people to serve in this body that is truly representative of Maine people in all walks of life. We should not be so selective that we simply, because of the way we run things, cut off citizens from serving.

I know and I have not attempted to be partisan but, as I told the Governor, I can be. I do not want to make it appear as though my program or someone else's program is the only one out there. That is not true. I do know this -- when this bill hits on the 21st, this body will be able to deal with it in a very limited fashion. I am not sure that I want the repercussions of what happened in the 70's in this body and in this legislature as a result of the changes that were made in Workers' Compensation because we have been paying for it ever since. I remember well how three former state senators, Harry Richardson, Jerry Speers and Wakine Tanous took every single proposal of the Nixon Workers' Compensation Commission's recommendation (of which Marion Martin was Maine's Representative) and put it into play. We have been paying ever since. I cannot believe that the Representative from Kennebunk or anyone else would want to adopt legislation as quickly as we did at that time without reviewing and analysis so we can put this state in another crisis that will take another 20 years to recover from. I don't want to be a party to that but I know that it is doomed to failure if we have a piece of legislation that we have to adopt on a certain day before November 1st. We are asking for trouble, we are manufacturing a crisis, which we and future legislatures will pay for for a long time to come.

Finally, let me reemphasize a point -- I, for one, and believe it is true of every single member of my caucus, I think it is true for every member of this legislature, the other body and anyone in this state, that they all feel that there are problems with the situation of Workers' Compensation, from one end of the spectrum to the other. But, as I told the members of the caucus, as I told the Legislative Council, I will not be blackmailed, even with a gun, so I can give in to increase the profits of companies when we do not really know the facts.

You will be happy to know that today the Legislative Council by a 9 to 0 vote voted to spend \$1,000 to hire a consultant, a person who would be an economist and a person who would be an actuary who will provide alternate information to what NCCI and the insurance companies provide. The time is short to do the analysis and I fear that we will still create a problem. The only purpose of the legislation before you today, not because I like it, was merely to try to slow things down so that we have the time to do the job that the people of Maine expect us to do. It is not partisan, it is not anti-McKernan, anti-Murphy or anyone else. It is merely a situation where I don't think we want to buy a pig in a poke (I don't know who quoted that so I can't tell you) and then be sorry for the next hundred years.

Men and Women of the House, I hope you pass this bill. There is an amendment that needs to go on so we will have to back it up to put it on but I hope we will pass this bill so it will go on its way tonight.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: The real problem here is that, on September 10th, the new superintendent of insurance presented his research, his facts and figures in terms of where Maine Workers' Compensation system is and in terms of its costs within this state as well as in comparison to other states. That was almost 30 days ago and if we are here long enough, it will become a full month. No one has ever addressed or challenged those figures that he brought before that commission. Commencing with that date and that evening, he has been attacked in the press continually. Rather than begin to address the facts that were presented in his report and from everything I have heard, the presentation and information he brought, was received in a very positive bipartisan way. That is the way we are going to have to do things around here if we are going to help Maine people. That committee, very much to its credit, received the information, welcomed it, so we have been seeing someone and some thing attacked for the last 30 days, even this evening bringing in Richard Nixon again to kick him around a little bit, so we have gone a long ways in terms of rather than facing the issue, but dancing around it laterally.

The gentleman from Eagle Lake talks about back last winter there were discussions about the need, maybe, for a Special Session. Ladies and gentlemen, you didn't need to be a prophet back last winter when the hall was full of Maine working people from Health-Tex who lost their jobs. The major reason was Workers' Compensation. There were a lot of other companies that didn't get into the headlines because there were only a few people who worked for those companies but each and every one of you has them back in your districts. You know the tragedy in terms of when a business closes, whether it is a man who does roofing work or a small, light manufacturing firm of 8 or 9 employees. So you didn't have to be prophet that was speaking in the wilderness, who had a hunch

that we were going to have to take another look at Workers' Compensation, that it was still unfinished business.

In the last two or three weeks, I have continually heard the gentleman from Eagle Lake make reference to transcripts -- I think I have heard the term, a motel room -- well, the superintendent of insurance has never met in a motel room with anyone from the insurance industry. He met in a hotel restaurant in an effort to do precisely the same kinds of things that the gentleman from Bangor was talking about in an effort to try and keep a firm within the state, precisely what his resolution was talking about that he debated. Implication -- I caught it there and I heard earlier during a meeting we had with the Governor in terms of the APA -- the Attorney General's Office in terms of Linda Pitser, who works closely with the Workers' Compensation people, has said today that there was no violation of the APA because there were no proceedings, that he was acting in an executive function and not a judicial. But, you know that transcript that the gentleman from Eagle Lake was referring to? That was a hearing where that company went before the judge saying that that commissioner of insurance, who has been getting attacked, had a bias against them, that he was illegally trying to keep them in the state. They were attacking him -- now isn't it ironic that that transcript be used in terms of saying he was in collusion (or we hear the implication of a manufactured crisis) when the reason that transcript exists is because that company was going at him because they felt he had a bias. You can't have it both ways and I think you have to understand the source of the transcript and why there is a transcript before you begin to quote from that.

The gentleman from Eagle Lake talks about time -- many members of leadership met with members of the Governor's Office last week and they said, we have a crisis, we want to work with all members of leadership -- can we come together and begin to look at some of the facts and figures that we brought together and some of the options that we might want to look at so we can begin to forge a coalition here or a consensus to do what is right. The representatives from the Governor's Office were told, send me a bill. The bill is coming and coming with a lot more advanced time than those of us who have been in this body have seen from other Governor's and other Special Sessions.

We are debating a bill and the gentleman from Eagle Lake says that looking toward the Second Session and dealing with the problem, we haven't got enough time -- well, the bill you are dealing with right now hasn't had a hearing and no one saw the printed bill until just a few hours ago. The gentleman from Eagle Lake says that there is a third amendment coming to try to make this thing whole. We put an amendment on it that makes it effective nine days after we are gone so, not only is it a bad bill, but as amended, it gets even worse.

If those companies do leave, there is a vacuum and the only thing that is left is the state plan and I don't think there is any one on either side of the aisle that wants a state plan here in the State of Maine. It would be very easy to say that we are going to have a confrontation moving towards this session.

In the Legislative Council today when leadership met with the Governor -- I am an optimist, I know that every man and woman that serves in this chamber does so at a sacrifice. You lose a wage or you lose precious time away from family or you lose time away from home, a very special place. Whether it is a

regular session or a special session, it hurts and there is sacrifice and not many people say, "thank you" to you. Very few people understand what you each, individually, go through.

I am positive because I feel that we are going to have a bill for us and I feel that the members of this chamber and the other chamber are going to work together in a positive, constructive way to (1) as the Speaker said, in terms of the two experts that have been hired, to check the facts and make sure the facts are right and then to make sure we reach a consensus that is balanced and protects the worker and the employer. Those are my two concerns.

There is a third player in the insurance companies and I really don't care -- my concerns are Maine working people and Maine employers. When we go into that Special Session, that is where my attention is going so I am not going to bury my head in the sand, I am not going to throw my hands up like others have said, it is too tough, we can't do it. I believe in this legislature and rather than quitting and not attempting to address the problem, I feel that you will. We will come in here on the 21st and we will begin to go to work and I don't think we need to throw up our hands and say it can't be done because I think if there is a will and we work together in a bipartisan way and develop a good bill, with what the Governor gives us, I think we can address the crisis that we now face.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I want to preface my remarks by these words, "I have sold my insurance business so I am not coming from an industry point of view, I am coming from the man and woman on the street's point of view." I am concerned about Workers' Compensation but there are other things that we must consider here -- those companies that are writing Workers' Compensation also write a great deal of personal insurance, household, auto insurance and what we are saying in this bill, as I interpret it, is that if they do not write Workers' Compensation, they cannot write auto and homeowner's, etcetera. That would leave one terrible vacuum here. I do not believe that there is a capability in the companies that are left to pick up all of the coverage which would be cancelled as a result of this legislation. I think we must think of each and every man and woman who has an automobile or a home before we pass this legislation.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: Being roughly halfway between the two corners, I feel as though I am in neutral territory. I don't suppose there is a soul in this chamber that has studied Workers' Compensation and worked on it any harder over the years than I have. I was involved in it for probably 20 to 25 years before I ever came here. I was very interested in it and I have worked on it consistently since I have been here. I am probably one of the only people who reads all this stuff that is sent to me. I don't know how you disseminate it or how much is truthful and how much it isn't but it certainly gives you a pretty good insight that there is a problem.

I have stood on this floor for six solid years and tried to convince this body that there is, indeed, a problem. Finally, it has reached a crisis. I agree with the gentleman from Eagle Lake 100 percent -- we have a crisis. We have not reacted in the past to dispell that crisis, even though it

was obvious to everybody that it was coming. It is now here but, as I said earlier today, these words fall on deaf ears and there is no one as deaf as those that will not hear. This chamber frequently has that problem.

Right now, we are in a crisis, we must do something about it. I know exactly what the fix is and probably each of us have a pretty good idea what the fix is. I don't know what the fix is from the political standpoint -- that is my problem.

I was thoroughly convinced when we overhauled the system (supposedly) in 1985 that we did some good. I think we did do some good in some areas but we didn't do very much because our costs have gone up about twenty million bucks since that time. That indicates that there is something we didn't do right.

I know and I think it is obvious to everyone concerned that the insurance companies have shot themselves in the feet, repeatedly, and they are doing so at this moment. On the other hand, I don't know how you can treat an insurance company with the various types of coverage that they have by saying that Workers' Compensation is simply a lost leader as you would in a grocery store. You sell coffee 10 cents below the cost because you want to get people to come to the store -- are you then saying to these people, you are going to sell Workers' Compensation at a loss and we will make it up through fire insurance, auto insurance and this sort of thing? Do you want your fire insurance to go up? Do you want your automobile insurance to go up? I wouldn't think that that would be the proper way to pay for it, I think this thing has to stand on its own.

I have read an infinite number of figures from all over the place, not only from one source, and not only from the insurance companies from various places that would indicate that the insurance companies are losing money. They all are different from the others. I have no idea of the percentage but I am convinced that they not making money on Workers' Compensation. Whatever that amount may be -- whether it is \$30 million a year or whatever it may be, I don't want to pay for it through my fire insurance, auto insurance or anything else like that. I think it has to stand on its own.

We goofed up the Workers' Compensation system in the State of Maine to a point where it isn't even comprehensible. I spent a couple of nights awhile ago comparing us with the state's that had a general higher benefits than we do -- I chose Iowa and in a general sense, they do. For instance, their maximum benefits are about \$635 to \$640, at the moment. It goes all the way through that sort of thing.

Would you believe (with the last figures that were available in 1985) that these people insure, covered by Workers' Compensation, more than twice as many people as we do in the State of Maine? Would you believe that they administer their program with 30 people where we have 90? That gives you an idea of the magnitude of the problem here. We instituted employee assistance -- they do it without any employee assistance. Would you believe that they pay out in benefits \$34 million (that year) and we paid out \$158 million in that year? These are the things that are pure indications that we are doing something wrong.

We have spent every moment of work on Workers' Compensation since I have been in this thing trying to patch the thing up. It is like an inner tube that has so many patches on it, it won't even float. In the meantime, everybody, employees and employers, insurance companies, everybody you can think of, have totally lost confidence in the system.

I am thoroughly convinced that we need a commission, totally non-political, if such a thing is possible, to spend about two years rebuilding this thing from the ground up. It should divorce itself from anything we have done in the past and anything we hope to do in the future, if these bills before us today have anything to do with it. That is the only way that it can be resolved and that is the way it has been resolved in some of the other states.

The thing before us right now is not going to solve the ultimate problem. I don't know what the problem will be but I do not think that you can ask anybody to sell anything at a loss because that is confiscation. Many of you are in business and if the state were to mandate that you had to sell a given object at a loss, I think you would be in deep trouble. I think the only place they could do that is in Russia or some place like that, I don't think it is anything that should be done in Maine.

If an individual in business wants to sell something at a loss and cover it by other products that he has, I guess that that is his or her prerogative but to expect an insurance company to do that and to mandate that they are going to do that, legally, I think is totally the wrong approach. I do believe insurance companies in the past have made more profits than they should have but I do believe that they are entitled to a profit. We say that utilities are entitled to a profit of somewhere between 11 and 13 percent -- I suggest the insurance companies are probably in that area. If they are going to have that sort of a profit, then they have to take into consideration their reserves, their investments and that sort of thing to reach that goal. But to say that insurance companies should stay within this state, while losing their tail on this sort of thing, is ridiculous. I don't think I want to cover that variation by other types of insurance that I have to pay when I don't employ a single person.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: Very quickly to respond to a couple of points, I know that it is late and we all want to go home, but I think it is important. First of all, I think that the Representative from Hampden is correct -- this will not solve the matter in the long run. It is sunsetted to July of next year for that very reason.

Second, he talks about the profit -- let me just ask you to put two figures down and you tell me where the difference is going. We have many corporations in this state that are self-insured, they operate and pay the same benefits as the insurance company. I am not going to argue that they pay as fair or unfair but just for the purpose of this argument say that it is fair, that both pay benefits the same way. Okay? One large corporation, which I would rather not identify by name, pays for coverage \$2.56 for being self-insured. They do it just the way the insurance company does. If that corporation were to go on the market to buy insurance, they would pay \$7.01 per \$100 payroll. The difference between \$2.56 and \$7.01 is what has to be labeled as profit, certainly not as loss.

What we need to examine is, where is the difference? That includes benefits now because they pay the same benefits -- \$2.56 versus \$7.01 -- just think about that -- wouldn't you like to make that kind of profit? I am sure you would.

Just to clarify two points that the Representative from Kennebunk made -- first, as you may or may not remember -- in the Governor's Office

when we were provided the figures by the Commissioner, I disagreed with their findings. I stated what they were and no one has corrected me on that. I want to make that perfectly clear that those figures are of NCCI and from the Association of Superintendent's of Insurance around this country. Same group, same pocket.

Third, I am not looking to create a crisis where the state fund becomes the only solution because I do not believe that, in the long run, that would necessarily serve Maine. I do want to tell you that there are 18 states in this country that have some form -- like Ohio, which has an entirely state-operated fund. By the way, they have had a Republican Governor, Republican Legislature (both Houses) for a hundred years so it is not political and the insurance company had a referendum petition drive to get into the market, not to do away with the state fund, but to make it competitive. Every organization the business community, the working public, came out against it. I don't remember the exact figure but it seems to me that the figures were something like 76 or 78 percent of the voters of Ohio voted to keep their system, which I think maybe is interesting in itself. So I fully agree with what the Representative from Hampden has said but I am sure he also remembers that we took every item that the industry gave us, three or four years ago, and we addressed each one, perhaps not to the limit that they wanted and now a new list has cropped up. After we have done that one, a new list will crop up again. If we have a commission, which might be a good way to solve the problem in the long run, then 10 years from now, we have another commission reexamining it because they are not making enough profit. I don't think that will ever go away. I understand that.

So this bill is a temporary solution at best but it is one way to get to it.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like a small bite of the apple if I can. I am aware of the figures that the gentleman from Eagle Lake used. I don't have my book with me so that I can't tell you definitely what the figures are. The \$2.56 sounds right for one of them, as I recall. I do think that the figure they quoted, that cost them in other states and I think they operated in two or three different states, was about \$1.20. That gives you an idea, perhaps, how ours is out of line. I do recall another figure in that their employees were five percent of their total, but the Workers' Compensation cost in the State of Maine were 25 percent of the total. I think that should give you a pretty good idea of what is going on.

It is true that Ohio has accepted the state fund for quite a number of years. However, and I don't want to refute that at all, I would just say that Democrats don't make all the mistakes, Republicans make some too, apparently in Ohio.

The Resolution for this thing is not going to be resolved here tonight, regardless of the outcome of this debate. It has reached a crisis, and the sooner we attack that crisis, the better. I cannot convince myself, for the reasons that I have mentioned before, that the bill before you is going to do that. I would hope that since I put some effort into the thing that will be here the 21st, that we may be able to do something then. I realize that whatever we do the 21st, 22nd or the 23rd or whenever it is, is not going to be the ultimate solution. The ultimate solution is, as I have said, a non-political,

non-partisan committee, who knows what they are doing, and I hope there isn't a single solitary Senator or Representative on that thing or even a person who is related to one that is going to make those decisions because if they do, then it will be a political decision. You must remember that our problem was created through politics and it can only be resolved the same way.

I urge you to vote against the bill that is before you.

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At this point, Speaker Martin resumed the Chair.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Up to this point, I guess, we have heard from the big guns, now it is time for the little pistol.

I have been listening to people talk about either/or decisions -- either we do this or we do that and if we do this, it will count -- we won't be able to do that -- we will be on a collision course and creating conflict and all those kinds of things. I sit and look at my position as a state legislator and as a small business operator, who has finally gotten big enough that he has a couple of employees, and who is finally dealing with Workers' Comp. My responsibility to both my constituents and my employees and, having been here in 1985 when we did go through the Workers' Compensation reform, have come to the conclusion that there is no way that this legislator, who is a reasonably intelligent one, capable of a certain degree of analytical thought in a one or a two day or three day session could possibly make a responsible decision on something as involved and complex as Workers' Comp.

There is also no way as a responsible legislator and a concerned businessman that I could stand by and allow, as the Speaker said, a manufactured crisis, if the Speaker will be tolerant of this comment -- perhaps there is no one here that can recognize a manufactured crisis better than the Speaker -- that how I could allow that to create the negative impact that its posing to the businesses and the citizens and the employees of this state.

As I said when I started, all I am hearing is people saying, you either have to do this or you have to do that. One thing I learned about crisis situations a long time ago is, baby, you cover your back, you use every option that you have. I see absolutely no reason why both the pending legislation, whatever it may be, because I haven't seen it yet that is going to appear on the 21st of October and this pending bill, can't be used to fend off this crisis to protect our workers' and to resolve the problem.

Now, one side is operating under the assumption that whatever we do on October 21st, it is going to resolve this. That is a heck of an assumption. I don't know how I can digest that amount of material on that complex of an issue in that short period of time, and in all honesty, vote in such a way that I would be acting in the best interests of the state. I mean, there is a 50/50 chance I will be because I can only vote two ways, but to do it out of conscious consideration, I think will be darn close to impossible.

I have no argument with whatever legislation will appear on the 21st. I think we should give it serious consideration and if it is concise and simple

and understandable enough that we can pass it, then this particular bill will become moot. But if it isn't, if it is a little too complex to deal with in three days or four days or whatever, it breaks down to partisan bickering and we can't get anything accomplished, (and we have all seen that happen before, even when we start with the best of interest) then there is nothing to cover our backs until the regular session starts.

What is wrong with looking at this as being two avenue's to attack the issue and to protect both the businesses and the employees of the state? We hope we can resolve it in the special but if we can't at least we have covered our back for a while while we attempt to resolve it in the Second Regular Session. If we resolve it in the special, then the bill becomes moot, it is not necessary and it can be repealed on the first day of the Second Regular Session. So, I really don't see any need -- I mean I can certainly understand the reasons for what I have been hearing here for the past 20 minutes but I certainly don't see any need for it because both pieces of legislation, the one we have in front of us and the one that will appear in 12 days, can work together instead of working in opposition. I have no argument with passing this bill and covering our back.

I would hope it would never have to go into effect but, to be quite frank about it, I don't have enough faith in my own intelligence and in my own capabilities and in the information the experts are going to provide me in a short period in the Special Session to say I am going to be able to make an informed decision on this bill. Two reasons, I know my intellectual capabilities and I know if you go looking, you will find an expert that will support any position on the face of the earth. I want the time to research it myself, I want the time to seek out my own opinions, I want the time to make my own decisions as to what is in the best interests of this state and my district. I have some very serious considerations as to whether I am capable of doing that or whether that is capable of being done in this special session. I hope it can be, but if it can't, I want the state's businesses and workers' backs covered so we know we will have protection, so we know our businesses will operate, so we know our economy will function. I say, fine, let's support this bill, let's pass this bill and let's hope we never have to use it and then let's get down to the business of whatever the Governor presents on the 21st.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Ladies and Gentlemen of the House: I hope we can vote on this bill now. We have heard from the floor leaders of all three caucuses, we have also had quite an exchange going on between both corners and it is quite clear that we have got a major problem here. It is quite clear that we have all got to come together and solve that. We have already got started for the next session. So, I would hope that we could vote on this forthwith and not risk any bad blood.

I would also like to draw your attention to the points that were made by the speaker from Monmouth because I think his was probably the most pertinent to the issue at hand, which is this bill. We have a major problem in the Workers' Compensation area and I don't think that we want to risk extending that problem to all other areas of insurance and insurance that would effect every single person in the State of Maine. I hope you will oppose the bill.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: It will come as a relief to all of you that I am not going to debate this bill. I am pointing out that there is a drafting error in one of the House Amendments that has already been adopted and the bill is now in the posture where we must reconsider that.

Mr. Speaker, I move reconsideration of House Amendment "B."

On motion of Representative Diamond of Bangor, the House reconsidered its action whereby House Amendment "B" was adopted.

On further motion of the same Representative, House Amendment "B" was indefinitely postponed.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "A" was adopted.

Representative Simpson of Casco offered House Amendment "A" (H-426) to House Amendment "A" (H-422) and moved its adoption.

House Amendment "A" (H-426) to House Amendment "A" (H-422) was read by the Clerk and adopted.

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

Representative Murphy of Kennebunk requested a roll call vote on passage to be engrossed.

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 engrossed as amended.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

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

The SPEAKER: The Chair will grant the request. The pending question before the House is passage to be engrossed as amended by House Amendment "A" as amended by House Amendment "A." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 173

YEA - Allen, Anthony, Bost, Carroll, Cashman, Clark, M.; Coles, Diamond, Dore, Duffy, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kilkelly, Lisnik, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, P.; Paul, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, Walker, The Speaker.

NAY - Aliberti, Anderson, Begley, Bickford, Bott, Bragg, Callahan, Cote, Curran, Davis, Dellert, Dexter, Farren, Foss, Foster, Garland, Greenlaw, Harper, Hichborn, Holloway, Kimball, LaPointe, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Murphy, E.; Murphy, T.; Norton, Paradis, E.; Parent, Pines, Pouliot, Reed, Rice, Salsbury, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Telow, Tupper, Wentworth, Whitcomb, Willey, Zirnkilton.

ABSENT - Armstrong, Bailey, Baker, Boutillier, Brown, Chonko, Clark, H.; Conley, Crowley, Dutremble, L.; Erwin, P.; Farnum, Hanley, Hepburn, Higgins, Hillock, Jackson, Ketover, Lacroix, Macomber,

McPherson, Nicholson, Paradis, J.; Perry, Racine, Reeves, Stanley, Warren, Webster, M.; Weymouth.

EXCUSED - Carter.

Yes, 64; No, 53; Absent, 30; Vacant, 3; Paired, 0; Excused, 1.

64 having voted in the affirmative and 53 in the negative with 30 being absent, 3 vacant and 1 excused, the motion did prevail. Sent up for concurrence.

The following items appearing on Supplement No. 23 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Law Affecting the Transfer of Shoreland Property (H.P. 1412) (L.D. 1915) (H. "A" H-420)

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. 104 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize Aroostook County to Raise \$500,000 for Renovations and Additions to the Aroostook County Jail (H.P. 1387) (L.D. 1886) (H. "A" H-419)

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

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just say a few words on this issue.

In 1985, the Aroostook delegation voted to give \$2.5 million for the construction of a jail and, at that time, the county commissioner's and the budget committee and the special committee that we had on jails recommended a certain amount of money be appropriated for the extension of a jail in Houlton. At that time, we went along with the recommendations of circumventing the referendum to the people of Aroostook County. I reluctantly went along because the budget committee was unanimous, plus the jail committee wanted it. In order to save money to the taxpayers of Aroostook County, I did go along.

At that time, we gave them more money than they were asking for and we saved interest by going directly to the issue without going to referendum, allowing them to go out to bid right off so that the contractor could give a better price than if we had waited a whole year. Therefore, we were saving money plus we gave them more than they were actually asking for and they turned around and acted just like the federal government -- you know, they spent more than we allowed. If you would see that structure that is up there, I, for one, cannot believe it is worth the money we paid for it. I am the only member of the delegation that, I suppose, will be voting against this. This is why I wanted to make a statement, not just a vote. I want to state that I truly believe that the people of Aroostook County are paying an extremely high price for something that, if they had a choice to vote, they would vote no, but they do not have that choice.

I was drafting an amendment and I came in too late and I missed out, it had gone forthwith to the Senate while I was drafting the amendment. So, I

cannot send it out to referendum. I realize this is a one man battle, I can't win. I just wanted to inform you, on the Record, that I truly feel that it is a waste of money. I truly believe that if the people of Aroostook had a chance to vote on it, they would have voted "no," especially if they saw that building. In my estimation, they could have built a better structure at a better place and the contract is open-ended, there is no end to this contract. They could finish building that building ten years from now, there is nothing that says a certain date or a reasonable date.

I just want to tell you that I am not going to vote for it and I hope there are some people in here that will go along with me. To circumvent the peoples' right to vote, I regret it today. I did it with the one thought that I was saving money to the Aroostook County taxpayers but I was wrong, as usual. Very often, I am wrong.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Reduce the Potential for Violence during Labor Disputes (S.P. 671) (L.D. 1902) (C. "A" S-298; H. "A" H-424)

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.

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Amend the Charter of the Eastport Port Authority (H.P. 1396) (L.D. 1895) (S. "A" S-300)

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

Representative Anthony of South Portland requested a division on passage to be enacted.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 26 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 34 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases (Emergency) (H.P. 1402) (L.D. 1903) (C. "A" H-414) which was passed to be enacted in the House on October 9, 1987.

Came from the Senate failing of passage to be enacted in non-concurrence.

On motion of Representative Wentworth of Wells, the House voted to insist.

The following items appearing on Supplement No. 28 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Corrections to the Law Relating to Motor Vehicles used in the Transportation of Forest Products (H.P. 1388) (L.D. 1887) (H. "A" H-421; C. "A" H-408)

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. 110 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.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law (H.P. 1398) (L.D. 1896) (H. "A" H-423 to C. "A" H-417)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and later today assigned.

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law (Emergency) (H.P. 1398) (L.D. 1896) (H. "A" H-423 to C. "A" H-417) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I just would like to make sure that we know what we are voting on tonight before we vote on Committee Amendment "A." I do not support that, we worked long and hard on the solid waste bill and I support Committee Amendment "B" because it leaves on the moratorium provision of the original bill intact. Thus, it requires that all applications for new or substantially expanded waste disposal facilities be subject to new solid waste rules currently under development by the Department of Environmental Protection. I just wanted to go on Record as saying that I believe that the incinerators being built in this state and that will be built in this state come under our new rules and regulations. I would like to ask for 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. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 174

YEA - Aliberti, Allen, Anderson, Anthony, Begley, Bost, Bragg, Callahan, Carroll, Carter, Cashman, Clark, M.; Coles, Cote, Curran, Davis, Dexter, Diamond, Dore, Duffy, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Harper, Hichborn, Hickey, Hoglund, Holloway, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kimball, LaPointe, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, E.; Paradis, P.; Pouliot, Priest, Rand, Reed, Rice, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Vose, Walker, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Dellert, Hale, Murphy, E.; Paul, Pines.

ABSENT - Armstrong, Bailey, Baker, Bickford, Boutilier, Brown, Chonko, Clark, H.; Conley, Crowley, Dutremble, L.; Erwin, P.; Farnum, Handy, Hanley, Hepburn, Higgins, Hillock, Jackson, Lacroix, Lawrence, Lebowitz, Macomber, McPherson, Nicholson, Paradis, J.; Parent, Perry, Racine, Reeves, Stanley, Tupper, Warren, Webster, M..

Yes, 109; No, 5; Absent, 34; Vacant, 3; Paired, 0; Excused, 0.

109 having voted in the affirmative and 5 in the negative with 34 being absent and 3 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

(At Ease)

The House was called to order by the Speaker.

At this point, a quorum call was held. (October 10, 1987 - 12:33 a.m.)

The following item appearing on Supplement No. 33 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers (S.P. 685) (L.D. 1914) (H. "A" H-426 to H. "A" H-422)

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

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: We have seen a bad bill attempt to be amended with an amendment and we have stripped off the emergency but it doesn't go into effect until January but it takes action based on something within that 90 day period. So it is an emergency bill without being an emergency bill. In my mind, that is

flawed, it's a fraud in terms of trying to do something that doesn't meet the letter of the law in terms of being an emergency.

Mr. Speaker, when the vote is taken, I request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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.

The SPEAKER: Pursuant to House Rule 19, Representative Carter of Winslow will be excused from voting.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 175

YEA - Allen, Anthony, Carroll, Clark, M.; Coles, Diamond, Dore, Duffy, Gould, R. A.; Gurney, Gwadosky, Hale, Hickey, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, Paradis, P.; Paul, Priest, Rand, Richard, Rolde, Rotondi, Rydell, Scarpino, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tamaro, Tardy, Thistle, Tracy, Vose, Walker, The Speaker.

NAY - Aliberti, Anderson, Begley, Bickford, Bott, Bragg, Cote, Curran, Davis, Dellert, Dexter, Farren, Foss, Garland, Greenlaw, Harper, Hichborn, Holloway, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; Murphy, E.; Murphy, T.; Norton, Paradis, E.; Pines, Pouliot, Reed, Rice, Sherburne, Small, Stevens, A.; Strout, B.; Strout, D.; Telow, Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Bailey, Baker, Bost, Boutilier, Brown, Callahan, Cashman, Chonko, Clark, H.; Conley, Crowley, Dutremble, L.; Erwin, P.; Farnum, Foster, Handy, Hanley, Hepburn, Higgins, Hillock, Jackson, Jalbert, Kimball, Lacroix, Lawrence, Lisnik, Macomber, McPherson, Nicholson, O'Gara, Paradis, J.; Parent, Perry, Racine, Reeves, Ridley, Ruhlin, Salsbury, Seavey, Soucy, Stanley, Stevenson, Taylor, Tupper, Warren, Webster, M.; Weymouth.

EXCUSED - Carter.

Yes, 57; No, 42; Absent, 48; Vacant, 3; Paired, 0; Excused, 1.

57 having voted in the affirmative and 42 in the negative with 48 being absent, 3 vacant, and 1 excused, 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.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 36 was taken up out of order by unanimous consent:

SENATE PAPER  
Non-Concurrent Matter



An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases (Emergency) (H.P. 1402) (L.D. 1903) (C. "A" H-414) on which the House insisted on its former action whereby the Bill was passed to be enacted in the House on October 9, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-414) and Senate Amendment "A" (S-301) in non-concurrence.

On motion of Representative Diamond of Bangor, the House voted to recede.

Senate Amendment "A" (S-301) was read by the Clerk.

On motion of Representative Diamond of Bangor, Senate Amendment "A" was indefinitely postponed.

Representative Wentworth of Wells offered House Amendment "A" (H-428) and moved its adoption.

House Amendment "A" (H-428) was read by the Clerk and adopted.

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

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

Representative SHELTRA of Biddeford  
Representative GURNEY of Portland  
Representative TELOW of Lewiston  
Representative LEBOWITZ of Bangor  
Representative STEVENS of Sabattus  
Representative REED of Falmouth

Subsequently, the Committee reported that they had delivered the message with which they were charged.

The Chair recognizes the Representative from Wells, Representative WENTWORTH.

Representative WENTWORTH: Mr. Speaker and Members of the House, I move the House stand adjourn without day.

The SPEAKER: The Representative from Wells, Representative Wentworth, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 2:12 a.m. Eastern Daylight Saving Time, Saturday, October 10, 1987, the Speaker declared the House adjourned without day.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 35 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Make a Supplemental Appropriation to the Attorney General for the Appeal of Public Access Cases (H.P. 1402) (L.D. 1903) (C. "A" H-414; H. "A" H-428)

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.

By unanimous consent, ordered sent forthwith to the Senate.

At this point, a message came from the Senate borne by Senator DUTREMBLE, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Speaker appointed Representative DIAMOND of Bangor on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative DIAMOND reported that he had delivered the message with which he was charged.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor John R. McKernan, Jr., and inform him that the House had transacted all business before it and was ready to adjourn without day.

Representative ALLEN of Washington  
Representative ALIBERTI of Lewiston