

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
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FIRST SPECIAL SESSION

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SECOND SPECIAL SESSION

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SECOND REGULAR SESSION

January 6, 1988 to March 24, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
 SECOND SPECIAL SESSION
 2nd Legislative Day
 Thursday, November 19, 1987

The House was called to order by the Speaker.
 Prayer by Reverend Robert Hargreaves, St. Mark's
 Episcopal Church, Augusta.
 Pledge of Allegiance.
 The Journal of Wednesday, October 21, 1987, was
 read and approved.
 Quorum call was held.

The following Communication:

STATE OF MAINE

Office of the Secretary of State
 November 18, 1987

To the Honorable John L. Martin, Speaker of
 the House of Representatives of the One
 Hundred and Thirteenth Legislature:

In compliance with the Constitution and laws of
 the State of Maine, I have the honor to herewith
 report the return of votes cast in Representative
 Districts 26, 88 and 141 at the Special Election held
 on November 3, 1987, according to a review of the
 returns made by the Governor, to fill the vacancies
 that existed in those districts as follows:

District 26
 Frank P. Allard, Portland 470
 James V. Oliver, Portland 1,492
District 88
 Beverly C. Daggett, Augusta 1,225
 Cathy Lee Morris, Augusta 1,216
District 141
 Robert L. Glidden, Houlton 1,324
 Lorraine D. Quint, Houlton 1,011

S/Rodney S. Quinn
 Secretary of State

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE

Office of the Secretary of State
 November 18, 1987

To Edwin H. Pert, Clerk of the House of
 Representatives of the One Hundred and
 Thirteenth Legislature

In compliance with the Constitution and laws of
 the State of Maine, I hereby certify that a Special
 Election was held on November 3, 1987, in
 Representative Districts 26, 88 and 141 for the
 purpose of electing Representatives to the One
 Hundred and Thirteenth Legislature: James V. Oliver
 of Portland received a plurality of all votes cast in
 District 26; Beverly C. Daggett of Augusta received a
 plurality of all votes cast in District 88 and Robert
 L. Glidden of Houlton received a plurality of all
 votes cast in District 141, as contained in a report
 to the Governor on November 17, 1987, appear to have
 been elected Representatives to the One Hundred and
 Thirteenth Legislature.

IN WITNESS WHEREOF, I have
 caused the Great Seal of
 the State of Maine to be
 hereunto affixed this
 eighteenth day of November
 in the year of our Lord,
 One Thousand Nine Hundred
 and Eighty-seven.
 S/Rodney S. Quinn
 Secretary of State

Was read and ordered placed on file.

At this point, the Speaker appointed the
 following Committee to escort Representative-elect
 James V. Oliver of Portland, Representative-elect
 Beverly C. Daggett of Augusta and
 Representative-elect Robert L. Glidden of Houlton to
 the Office of the Governor to take and subscribe the
 oaths necessary to qualify them for the discharge of
 their official duties:

Representatives:
 DIAMOND of Bangor
 GWADOSKY of Fairfield
 MURPHY of Kennebunk
 PARADIS of Old Town
 CONLEY of Portland
 RAND of Portland
 HICKEY of Augusta
 PARADIS of Augusta
 MACBRIDE of Presque Isle
 SMITH of Island Falls

Subsequently, Representative Diamond of Bangor
 reported that the Committee had attended to the duty
 with which it was charged.

The Speaker assigned Seat No. 24 to
 Representative Oliver of Portland, Seat No. 50 to
 Representative Daggett of Augusta and Seat No. 64 to
 Representative Glidden of Houlton.

The SPEAKER: The House welcomes the new members
 to the House of Representatives. (Applause, the
 members rising.)

At this point, the Speaker announced the
 following changes in seating arrangements:
 Representative Stevens from Sabattus was assigned
 Seat No. 35 and Representative Mitchell from Freeport
 was assigned Seat No. 23.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
 OFFICE OF THE GOVERNOR
 AUGUSTA, MAINE
 04333

October 22, 1987

TO: The Honorable Members of the 113th Maine
 Legislature:

I am returning, without my signature or approval,
 H.P. 1396 - L.D. 1895, "AN ACT to Amend the Charter
 of the Eastport Port Authority."

My decision to veto this bill is based upon my
 belief that, due to significant local and regional
 objections, this measure may have been enacted
 prematurely and without sufficient time to weigh the
 interests involved.

This legislation alters the Eastport Port
 Authority Charter by proposing the elimination of any
 potential membership connection between the City of
 Eastport City Council or City Manager and the Port
 Authority. This prohibition would be mandated
 without regard to the lack of any potential conflict
 of interest by any member or any other potentially
 legitimate criterion. It effectively removes any
 legitimate nexus between the Port Authority and the
 city most directly affected by Port Authority
 decisions.

This bill, in my opinion, was hastily ushered
 through the legislative process, from introduction to
 enactment, and does not adequately reflect the
 concerns and objections of those most directly
 affected by it. In light of the relatively narrow
 geographic scope enjoyed by the Eastport Port
 Authority, local as well as regional support becomes,

in my judgment, a necessary prerequisite to the viability of this legislation.

I hasten to add that my objections at this time should in no way be construed to mean that I would not support, in the future, this or other legislation if it were endorsed by the affected local and county delegations.

For the foregoing reasons, I respectfully request that you sustain my veto of L.D. 1895.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Amend the Charter of the Eastport Port Authority" (H.P. 1396) (L.D. 1895).

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Much to my dismay, when I returned from my trip to Colorado to visit the family, I found that the bill I ushered through (or at least tried to) the House and the other body had been vetoed by the Governor.

I went down to the Governor's Office and spoke with his staff and discovered the reasons why, and quite honestly, I concur. There were some discrepancies in the bill that I could correct to his satisfaction and to others in my town. Therefore, I have since revised the bill and will ask that it be introduced in the next session of the legislature. Therefore, I would ask you to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I believe that we would all agree that the bill that was originally before us was done so on a very short notice and probably without benefit of public hearing. We look forward to seeing this bill that Representative Vose of Eastport has assured us will be forthcoming and I think, at that time, we can go through the process and have it dealt with in a more expeditious manner.

The SPEAKER: The pending question before the House is, shall this Bill "An Act to Amend the Charter of the Eastport Port Authority" (H.P. 1396) (L.D. 1895) become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 176V

YEA - Høglund, Mayo, Rydell.

NAY - Aliberti, Allen, Anderson, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Gould, P.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Holloway, Holt, Hussey, Jackson, Jacques, Jalbert, Joseph, Kilkelly, Kimball, LaPointe, Lawrence, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis,

P.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Rice, Richard, Ridley, Rotondi, Ruhlin, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Whitcomb, Willey, Zirkilton, The Speaker.

ABSENT - Anthony, Davis, Higgins, Hillock, Ketover, Lacroix, Lebowitz, Mahany, Reeves, Rolde, Stanley, Stevenson, Taylor, Weymouth.

Yes, 3; No, 134; Absent, 14; Paired, 0; Excused, 0.

3 having voted in the affirmative and 134 in the negative with 14 being absent, the veto was sustained.

The following Communication: (H.P. 1417)

State of Maine
House of Representatives
Augusta 04333

October 21, 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 21, 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 21, 1987 as follows:

Agriculture

Bill "An Act to Prevent Potential Nematode Infestation" (Emergency) (H.P. 1416) (L.D. 1921) (Presented by Representative LISNIK of Presque Isle) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Labor

Bill "An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes" (Emergency) (H.P. 1415) (L.D. 1919) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot, and Senator DUTREMBLE of York) (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:

Executive Department
OFFICE OF ENERGY RESOURCES
State House Station 53
Augusta, Maine 04333

October 30, 1987

The Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333
Dear Speaker Martin:

I am pleased to submit to you the 1987 State of Maine Energy Resources Plan. This report has been prepared and is presented pursuant to 5 M.R.S.A. Section 5005.

Respectfully,

S/Harvey E. DeVane
Director

Was read and with accompanying report ordered placed on file.

The following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333
November 4, 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 pursuant to my authority under Chapter 60 of the Resolves of Maine, 1987, I have today appointed Rep. Lorraine N. Chonko, of Topsham, Severin M. Beliveau, of Augusta, and Dr. Roland Burns, of Fort Kent, to serve on the Commission on Maine's Future.

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

Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
PUBLIC UTILITIES COMMISSION
242 STATE STREET
STATE HOUSE STATION 18
AUGUSTA, MAINE 04333-0018
November 2, 1987

Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333-0002

Re: Study of Electric Power Transmission and Purchases (1987 Update)

Dear Speaker Martin:
Pursuant to Section 5 of Chapter 123 of the Public Laws of 1987, the Public Utilities Commission submits herewith its report on developments subsequent to its 1986 Study of Electric Power Transmission Power and Purchases, i.e. the 1987 Update. The Commission appreciates the opportunity to be of assistance in the State's consideration of these important energy issues. If you have any questions or comments concerning the report or this subject matter in general, we will be pleased to receive them.

Sincerely,
S/Joseph G. Donahue
General Counsel

Was read and with accompanying report ordered placed on file.

The following Communication:
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE
State House Station 34
Augusta, Maine 04333
October 22, 1987

Mr. Ed Pert
House of Representative's Office
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:
Enclosed is the final report of the State of Competition in the Workers' Compensation Insurance

Market as required by Section 2335, subsection 5 of Title 24-A, M.R.S.A

Sincerely yours,
S/Joseph A. Edwards
Superintendent

Was read and with accompanying report ordered placed on file.

The following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333
November 10, 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 pursuant to my authority under Chapter 60 of the Resolves of Maine, 1987, I have today appointed James Wilfong, of Stow, to serve on the Commission on Maine's Future.

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

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Banking and Insurance

Bill "An Act to Amend the Motor Vehicle Financial Responsibility Law" (Emergency) (H.P. 1418) (L.D. 1923) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative MOHOLLAND of Princeton and Senator DOW of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)
Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES
Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-429) on Bill "An Act Relating to Out-of-court Statements made by Minors" (Emergency) (H.P. 1383) (L.D. 1885)

Signed:
Senators:

BRANNIGAN of Cumberland
BLACK of Cumberland
VOSE of Eastport
BEGLEY of Waldoboro
PARADIS of Augusta
THISTLE of Dover-Foxcroft
COTE of Auburn
MacBRIDE of Presque Isle
CONLEY of Portland

Representatives:

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

Signed:
Senator:
Representatives:

GAUVREAU of Androscoggin
WARREN of Scarborough
MARSANO of Belfast

HANLEY of Paris

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: I move that the House accept the Majority "Ought to Pass" Report.

Mr. Speaker, Men and Women of the House: Before we get on to other business, I am glad that this body is going to take up this Majority Report from the Judiciary Committee. We heard this bill initially before the First Special Session in October and we conducted two and one-half work sessions (lengthy work sessions on this bill) prior to this morning's motion.

This bill is to be used, if it becomes law, in very rare exceptions. Approximately 500 cases per year come before the court for prosecution on sexual abuse and only in one case was the law, which was implemented and passed in 1983, ever used. Only one time was the change for these young people of 12 and 13 years old ever put into effect where a prosecutor and a defense attorney with the alleged abused victim went into the chambers before the judge with a videotape, recording the entire session. It went all the way to the Supreme Court of the State on appeal and the Supreme Court of the State upheld the constitutionality of the law that we passed some years ago. Today, we are being asked, very judiciously, to increase that by only one year.

This bill had the full support of the Department of Human Services, which came and testified in favor of this bill. Their sexual assault unit came and heavily supported this bill because of the problems that they encounter in trying to gather evidence and in helping prosecutors who have to go after these people who abuse our young victims. Assistant Attorney General, Wayne Morris, came from the Criminal Division and supported this bill. The Maine Prosecutors' Association came and supported this bill. We are not being asked by the sponsors of this legislation, my dear colleagues, to open up a whole new area of law, we are being asked to expand the coverage by one year to permit us to be better able in some cases, almost uniquely perhaps one or two more times a year, to be able to prosecute successfully.

You have a letter on your desks from the Majority Floor Leader outlining his reasons for sponsoring this legislation. You can better understand it by reading it than I can by summarizing it. I support the contents of this message to you. Each of those cases that come before the court is a unique situation. No one's constitutional rights are going to be denied, none whatsoever, by protecting the victim just a little bit.

As a layperson in this area, I have a great deal of difficulty in subscribing to the system that you have to have a full frontal confrontation in court with all the jurors, a judge, the public and the accuser when you are talking about a young victim of such a crime. I think with the assurances that this bill provides, all the constitutional privileges and rights are protected -- the Supreme Court said that.

We have to take a look at some cases where it just isn't possible to have the victim there and being able to subscribe to all the things that go on and have to be said and questions that have to be asked. It is so much better to have a session where only the interested parties are there. Cross-examination is, of course, permitted and it is videotaped and then it is played back. In a case on appeal where it was used, the accused and everyone had a chance to see the live play back of what was going on. It was being recorded and it was also

being played on television in the courtroom, they had earphones. There were two defense attorneys, one was with him in the courtroom, one was in the judge's chambers asking the questions. Everything was done that was humanly possible to make sure that all the constitutional rights were protected and the Supreme Court agreed.

The other avenue that the prosecutors wanted to make clear -- we have used this, only once in the last five years, we used this very sparingly because the best witness that we have, the victim, is the one that usually convicts that accused person. The jury wants to hear from that person and they are very reluctant not to use that person but there are times when that is just impossible.

I would like to give the benefit of the doubt to the prosecutors and say, let's give them the tool necessary to prosecute these people successfully and not further damage that victim any more than we have to.

I urge you this morning to support the Majority "Ought To Pass" Report.

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

Representative WARREN: Mr. Speaker, Men and Women of the House: I move to indefinitely postpone this bill and all accompanying papers.

It is difficult to know where to begin in expressing my opposition to this bill and the opposition of others. I guess the first question is, why is this bill before us? We are here today largely to deal with the Workers' Compensation problem. It is an issue where we have all received dozens and dozens of letters and phone calls and there has been a great deal of news coverage. We are apparently facing some sort of very serious situation.

In spite of that fact, we are here today for this bill and I would ask you to listen carefully to the debate and ask why this bill must be here today for a special session?

My main objections to this bill are twofold. One is I think it just has no business being here today taking up the legislature's valuable time, causing taxpayers to expend additional amount of tax money for a session, perhaps tomorrow, perhaps Monday, to debate this bill as it goes backward and forward between the two bodies.

The second objection has to do with the manner in which this bill has been handled. First of all, I would like to say that I respect the interest of the Representative from Fairfield, Representative Gwadosky. He, as most of you know from reading the letter, has a constituent who has a particular problem. As a State Representative, he agreed to act as the key to the State House door, sponsor a bill for that particular individual involving a pending case in Kennebec County Superior Court, and I respect him for following through as he sees his duties. However, the way that the bill has gone through the process, to me, is very disappointing.

My distinguished Chair of the House Judiciary Committee, the Representative from Augusta, Representative Paradis, told the House this morning that we had had two and a half work sessions on the bill. I guess we have. Due to short notice, due to the fact that the bill was being (let me politely say) expedited through the Maine Legislature, I didn't attend the work sessions. I don't know if a significant number of the people on the committee attended them. You will see on the report and on the House Calendar today that this bill has both bipartisan support and bipartisan opposition. I urge you to listen closely, especially on the Republican

side of the isle to your distinguished leader on that committee, the Representative from Belfast, Representative Marsano, who shares with you his 25 years of experience and why he opposes the bill.

Essentially what I think we are seeing here, as everyone knows, the legislature is creeping further and further toward what may become a full-time body. We are not just here anymore part-time, January through June or January through April, we are here for numerous special sessions, other events, and when it comes to bills like this that aren't an emergency, it started out as an emergency but it is not now, I question why we are here in special session on this bill. I question why it can't wait until January. We are approaching a situation where we almost have a drive through legislature -- in some respects, it is almost being run like a dry cleaning service -- in by 8:00 a.m. -- out by 5:00 p.m.

The SPEAKER: The Chair would ask the Representative from Scarborough to deal with the bill or he will be seated.

Representative WARREN: Thank you Mr. Speaker, I am attempting to deal with the bill, I apologize if I offended you with my remarks.

I simply feel that we are dealing with 200 years of constitutional law on this question. We are dealing with the Sixth Amendment of the U.S. Constitution, it is not an amendment to be taken lightly. It has to do with an individual's rights who is charged with a crime to confront his accuser. That is the constitutional principle involved. This is not a bill to be taken lightly.

The bill, as you know from earlier descriptions, would allow, in certain cases, a judge to say that a victim of a crime does not have to appear in court to testify directly in front of his or her accuser but instead may videotape that testimony in a judge's chambers or out of the presence of the accused. It is not a matter to be taken lightly and it is a matter that should be debated fully. We should have consultation from all parties and, as with the Workers' Compensation bill, I think the committee ought to hear from various sources, professionals, health professionals, psychiatric professionals, justice officials, and in this case due to the expedited manner in which it was handled, that simply hasn't been done.

I would urge the members of the body to listen closely to the debate and vote to indefinitely postpone this bill because I don't think it belongs here today. It deserves further study and should be something that we take up in January.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the Majority Report today because I think it is important. When this bill first appeared before us, I was not enthusiastic about it either because I do not like to have bills brought in at the last minute and voted on as an emergency. The rest of the committee also felt that way. We decided to hold it over until we had a chance to study it and decide exactly what should be done with that bill. We did put in a considerable amount of time studying it and giving it a good deal of thought and, at the end of that time, of course, voted on it. There was some sentiment on the committee to extend the age to include all juveniles under the age of 18. There were some of us on the committee who felt that was too drastic a change so we decided to extend it to 15 year olds and under. Those are the ages when our youth are the most vulnerable.

We removed the emergency clause. We looked into all of the various areas we thought were pertinent to this bill. The majority of us were very happy with the decision that we made.

I ask you ladies and gentlemen, do you have a daughter or a son that is 15 years of age or younger? Do you have a granddaughter or a grandson 15 years of age or younger who is really extremely shy, extremely immature, who would find it practically impossible to face his or her perpetrator in case that child had been molested?

This bill would not guarantee that your child would not have to face his or her perpetrator but it would give that child a chance -- it would give the judge the authority to investigate, weigh the facts, decide if such a confrontation would be harmful mentally and physically to the child. That criteria has to be employed very, very carefully. It would have to be determined if it would really be harmful to the well-being of that child to face the perpetrator.

As has been mentioned to you before, only once since the original law involving children 13 and under was passed, has this been used and that was used in a very horrible child abuse case. So obviously, there has not been any abuse of this law.

We certainly must stop sexual crimes against our youth, we must not release these abusers for lack of evidence. This bill will help.

I urge you to vote against the indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I appreciate the comments of the Representative from Scarborough, Representative Warren, but I would like to correct him in the sense that the Representative who just spoke, Representative MacBride, is the House lead for the Republican Party -- I have had the privilege to serve with her and I very seldom disagree with her. I do, however, in this instance support the motion of the gentleman from Scarborough and urge the House to agree with it.

I will probably be longer than I should be but I feel it is important to explain to the House the history of the law of evidence.

The law of evidence comes to us from Common Law which is a dignified source. It is rooted deep in our constitutional history as the Representative from Scarborough has said. That law created three classes of individuals. Those classes have been historically recognized. Children under the age of 7, under Common Law, were not considered competent to be witnesses in the courts. The case to which the Representative from Augusta, Representative Paradis, alluded to involved a child under that age and in a very tender set of circumstances.

The Senator who chairs our committee said to me, "You probably would have been opposed to this bill when it was originally promulgated." I guess if I answered him honestly I would have said "yes," but that was a legislative decision that was made some years ago and, like all people in this House, I recognize that the law gets changed. Fortunately when that change was made, all it did was recognize another point of Common Law and that was the second category of a person of young years who came, the child of between 7 and 14 years was recognized in Common Law as an individual who, under some circumstances, might be a competent witness.

Now the rules of evidence have slightly changed in the State of Maine by case decision so that any person is evaluated for competence at any age but

because of the Tender Years Doctrine that has emerged in some areas of the law, there was a right accorded under this statute to the very young. It was used for the very young although it was expanded to the age of 13.

Now, the legislature for some reason strikes out on a course of its own. What, you should ask, is the reason for the amendment -- just as the Representative from Scarborough suggested, to expand it into this? Where does this age, this under the age of 16, fit in the orderly scheme of law which holds us all together as a society? The Representative from Scarborough alluded to the right of confrontation. Well, I hope that nobody from this room will ever be confronted by the kind of evidence that is addressed in this bill because I hope that nobody will ever be in the situation in which this kind of crime will originate. I hope it will never happen but I know society well enough to know it will and so do you.

So, what we need to do is we need to recognize that as a society with our rules of evidence, with our rules of court, that we do in fact try and protect the individual on whom all the weight, force, and focus that society has addressed -- the criminal defendant. We accord that individual the right to be prosecuted in the courtroom, to be able to confront the witnesses against him, the right to look the accuser in the eye, the right to say "I am not guilty" and to sit there knowing that the state must prove beyond a reasonable doubt any of the allegations that will result in a finding of criminality resulting in an imposition of sentence which will deprive this person of liberty in some way. We must never sleep with respect to that, we must always recognize that the right of the individual in our society is protected by the worst of circumstances and we must recognize that in defending the rights of criminals we in fact defend our own rights, our own individual freedoms. There is in fact no reason, no real reason that can be advanced, notwithstanding the gentle lady's comments from the north. There is no reason for this change in the law. There is nothing in the law that suggests that 16 and under is an appropriate age. Fourteen is the age of consent. Fourteen is a Common Law age.

What we are doing is moving into an area by attempting to create new limits. I recognize that the legislature has the right but it should exercise it carefully. This is not the time to do it in this area. We should protect the right of confrontation and we should defeat this bill simply because it is not a good bill.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I was a little bit hesitant to get up and speak after Representative Marsano because he always presents his case quite well and I will try to be fairly brief and precise because the issue, in my mind and I would hope in your minds, is far too important to be obscured by words of eloquence.

The purpose of this bill, quite simply, is to increase the age at which child victims of sex crimes may be allowed by the court to give an out-of-court statement. As you have heard today from Representative MacBride, Representative Marsano, and Representative Paradis, out-of-court statements is a procedure in which a young child, the victim of a sex crime, may be allowed by a judge to give their testimony, not in an open court in front of the press

and members of the media, but rather in a confined setting before the judge and possibly before the defendant and obviously before the defendant's attorney and be cross-examined before that attorney. Out-of-court statements are made on a motion by the prosecuting attorney and they are only granted once the judge makes a couple of legal findings. First of all, the judge is going to have to decide that the constitutional rights of the defendant are being protected and secondly, the judge is going to have to determine that the possibility of a confrontation between this young child and this alleged aggressor could create a psychological trauma and emotional problems for the child. Then and only in those circumstances would a judge make this case permissible. So it is important to remember the right of out-of-court statement is not automatic. There are a number of legal findings that have to be met and, obviously, this is the reason why this has only happened one or two times since it was put into law in 1983.

The current law allows this option for children under the age of 14 and the purpose of this bill is to extend that provision to children under the age of 16.

About a month ago, Lewiston Sun's Paper did an editorial on this same issue and, although I don't often read from an editorial into a debate, I think that the concept that they have grasped fits this so well that I would like to share a few of these thoughts with you today. "Obviously, the rights of the accused must be protected and, in the process, should not exclude concern about the possibility of a person being unjustly accused of the commission of a sex-related crime. The American judicial system provides a safeguard for the presiding jurist. If the law is enacted and the rules are established, it then becomes the responsibility of that jurist to make the decision. Sufficient trust should be placed in the state's jurist to make the right decision.

I am sure there are those in the media and among defense attorneys who would oppose such a proposal but they should take care to recognize two things. First of all, they should recognize that the rights of the accused should be protected and victims also have rights.

Secondly, while the constitutional right of a free press should be strongly defended, there is a recognized right of privacy. For those who enter public life, knowingly and by design, are in a different category of those who are unwilling and disastrously thrust into the public arena through no fault of their own."

The current law has been on the books since 1983. This past summer, as you learned in July, the constitutionality of this provision was upheld in the State of Maine vs. Twist case so the issue before us today, ladies and gentlemen, is not whether or not you agree with the principle of out-of-court statements (because it is currently on the books) but the issue before us is whether or not you choose as a matter of public policy to extend that provision to young people who are 16 years old and under.

Not long ago in this state and in this country, we recognized the need to treat our younger people differently in our societal expectations as well as in many of our laws. I think perhaps the greatest indication of that is in the criminal code. Throughout the criminal code, in nearly all of the laws and circumstances that relate to young people, we treat juveniles differently than we treat adults. For instance, we don't imply the same harsh penalty for juveniles as we do for adults and we rationalize this by saying that we hope that if we apply a severe

consequence to a young juvenile, they will learn the error of their ways but, at the same time, not be so broken that they can't navigate a straighter course for the future.

So, as you can see, we allow protections for young criminals within the judicial system -- isn't it also time that we have protections for young victims in that same judicial system?

We need to take the next step to ensure that those young victims, who are being encouraged to testify against their aggressors, are protected. Child sex abuse, as you know, occurs in part because of the inner qualities between a child and an adult in size, power, and knowledge. The legal system shouldn't perpetuate those inner qualities by failing to take those types of differences into account. If a misguided judicial system that allows for the further victimization of a young child, who has already experienced horrors that most of us can't even imagine -- obviously the operation of any judicial system has to take into effect and balance the interest of the accused, the defendant, the families of the community. The bottom line and the very difficult truth is that many minors simply can't go through this experience. The trauma that they have been through is so psychologically harmful that the opportunity to relive this by testifying in an open court is just too much for a young mind to handle. They often just decide not to provide that convicting testimony and that, unfortunately, results in a criminal going free and the criminal being able to cause this same type of vicious crime of (most probably) a minor.

I guess in my mind and I am not an attorney but I think we all want to do the right thing. I think we all know the difference between right and wrong but a system forces a choice, a choice for young people to either testify in an open court and risk further psychological harm or a choice not to testify and let a criminal go free, then the system is not working.

I fully understand and appreciate the constitutional right of the defendant, of the accused, to be protected but I also understand and appreciate a more fundamental concept that the victim also has rights. I think we have an opportunity today and, indeed, perhaps an obligation to change that system and I hope that you would join with us in doing so. I hope that you oppose the motion to indefinitely postpone this bill.

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 SPEAKER: The Chair will order a Division. The pending question before the House is the motion of the Representative from Scarborough, Representative Warren, that L.D. 1885, H.P. 1383, Bill "An act Relating to Out-of-court Statements made by Minors" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 79 in the negative, the motion did not prevail.

The SPEAKER: The pending question now before the House is the motion of the Representative from

Augusta, Representative Paradis, that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, I request that the vote be taken by the yeas and nays.

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 Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I don't want to belabor this bill but after the resounding defeat on the motion to indefinitely postpone, I would just like to point something out so everyone knows exactly what they are voting on.

I am not one who believes in ad hoc legislation and this is what the legislation before us appears to be. Yes, there are certain situations where those who are caught in a position where they can't testify in a court without problems of mental trauma and yes, they should have this capability. What we are doing is drawing a line from 14 up to 16 and not just the one year that Representative Paradis from Augusta has mentioned. What we have here is a question that arises out of the Sixth Amendment. That amendment provides that in all criminal prosecutions, the accused would have certain rights and one of those rights is to be confronted by the witnesses against him in a court.

Like I said, there are certain circumstances, extenuating circumstances, where probably this is and has been waylaid. There is a very fragile balance that is drawn between the rights of the accused and the rights of the victim and I, for one, do not want to tread on ground that would jeopardize the balance that the entire judicial system rests upon.

This is not a simple vote that would just raise the age of the minor to testify on videotape or through deposition. This vote is important and it shouldn't be a throwaway vote, it should be one you take some time to consider when making the vote.

With that said, I hope you will defeat the motion to let this legislation pass.

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

Representative WARREN: Mr. Speaker, Men and Women of the House: I will be very brief. I just want to say a few things for the Record. I hope that you will vote against the present motion.

There is nothing more serious than being accused of a crime and there is nothing more serious a person can do than accuse someone of committing a crime. For that reason, we have the Sixth Amendment which says that anyone who accuses you of a crime, you should have the right in a court of law to confront that person. It is a very similar principle that we use in politics -- if someone accuses you of having a voting record that they find distasteful or someone accuses you of doing something in the legislature that they find appropriate, the first thing you would want to do is confront that person. You would want the opportunity to look at them eye-to-eye and debate

the situation and it is the same principle involved in the court system.

For those of you who have either been accused of a crime or you have friends or relatives who have been accused of crimes, you know what I am talking about. For those of you who are fortunate enough not to have been accused of a crime or an offense yourself and have no friends or relatives who have been accused of a crime, think hard -- what would you like to happen if you were accused of a crime? If someone accused you of embezzling money or someone accused you of doing something wrong, wouldn't you want the right to uphold your good name? Wouldn't you want the right to go in front of a jury and have a credibility match between yourself and your accuser? That is all this bill is about.

The final point I wanted to bring up for the Record is that, during the last few weeks, there were a couple of work sessions on this bill. The bill started out as raising the age to 15 years old for people who could apply to a judge to testify in the judge's chambers and not in the courtroom. At one point, people talked about lowering it to 14 years old. Other times, people talked about raising it to 18 years old. Today's bill has chosen the number 16. I think this bill deserves far more consideration and deliberation than we have been able to give it in the past few weeks. Due to the fact that the emergency clause is no longer on it, I urge you to vote against this motion, give us additional time, make the legislature proud of the way it handles this issue and take this up in the full session in January.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: As I left the hall at the conclusion of the debate, one of the things that came to my mind I did not say and, therefore, I would like to say it is that this bill puts me in mind of something that Winston Churchill once said years ago. The aphorism that he used was "They held the fort alone until those who hit or two had been half-blind were half-ready." I used the analogy, Mr. Speaker, notwithstanding your grimace to the contrary, to point out only the fact that the walls of liberty are in fact constructed brick by brick of independent and important ingredients. The rules of evidence are simply a part of that wall to the extent that, without reason we changed those, we changed the bricks, if we change the structure then we endanger the concepts of freedom of liberty which we should all hold dear.

This seems like a little bill, all steps which are taken in the interests of accomplishing some civil purpose, some just purpose of justice that is perceived to be advanced, by tearing away such rules ultimately leads to the destruction of the walls of freedom.

I urge you to defeat the motion of the gentleman from Augusta.

The SPEAKER: The Chair recognizes the Representative from So. Portland, Representative Anthony

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make it clear that lawyers are in support of this bill as well. The only lawyers that have spoken have been opposed to the bill. What we have is a problem where our legal system is designed basically for adults, not for children. A past legislature has created a special exception that makes it more appropriate for children in a very limited circumstance. That past exception has been upheld

by the Supreme Court of the state and all we are asking in this bill is to extend a little bit, two years, and it seems a highly appropriate measure. I hope that we can all support it.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: This bill hasn't changed a bit. It still increases the age to 15.

I am going to talk as a father, as a grandfather of all girls -- when the gentleman speaks of confronting and being able to cross-examine and so on, I can hardly visualize my daughters or my granddaughters cross-examining or challenging somebody in court because they are going to be up there and badgered by the very same lawyers that have been up here testifying against this bill.

I think they have a perfect right to be able to talk about and accuse a person who has attempted or raped that child. I know my daughters or my grandchildren would be extremely nervous and extremely upset, knowing full-well what could happen to them in court by lawyers. Naturally, they are going to try and protect the guilty or innocent (whichever the case may be) and, in doing so, they are going to make hay while hay can be made while that youngster is sitting up there scared to death. So, I hope that you support this bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 177

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Boutilier, Carroll, Carter, Cashman, Chonko, Clark, H.; Coles, Conley, Cote, Crowley, Curran, Daggett, Davis, Dexter, Diamond, Dore, Duffy, Erwin, P.; Farnum, Farren, Foss, Glidden, Greenlaw, Gurney, Gwadnosky, Hale, Harper, Hepburn, Hitchborn, Hickey, Higgins, Hogle, Holloway, Hussey, Jacques, Jalbert, Joseph, Kilkelly, LaPointe, Lawrence, Lisnik, Look, Lord, MacBride, Mahany, Manning, Martin, H.; Matthews, K.; McGowan, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Priest, Racine, Rand, Reeves, Rice, Richard, Ridley, Rotondi, Ruhlin, Rydell, Salisbury, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stevens, A.; Strout, B.; Strout, D.; Swazey, Tardy, Taylor, Telow, Tracy, Vose, Walker, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirnkilton, The Speaker.

NAY - Bott, Bragg, Brown, Callahan, Dellert, Foster, Garland, Gould, R. A.; Handy, Hanley, Holt, Jackson, Macomber, Marsano, Mayo, McPherson, Mills, Pines, Reed, Scarpino, Stevens, P.; Tamaro, Tupper, Warren.

ABSENT - Clark, M.; Dutremble, L.; Hillock, Ketover, Kimball, Lacroix, Lebowitz, McHenry, Nutting, Rolde, Stanley, Stevenson, Thistle.

Yes, 114; No, 24; Absent, 13; Paired, 0; Excused, 0.

114 having voted in the affirmative and 24 in the negative with 13 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-429) 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 by

Committee Amendment "A" (H-429) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

COMMUNICATIONS

The following Communication: (S.P. 696)
The Senate of Maine
Augusta
October 21, 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 21, 1987 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "AN ACT Concerning the Commission to Implement the Computerization of Criminal History Record Information" ((Emergency) (S.P. 695)(L.D. 1920)(Presented by Senator BRANNIGAN of Cumberland)(Cosponsored by: Representative PARADIS of Augusta, Senator SEWALL of Lincoln) (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. 698)
The Senate of Maine
Augusta
November 13, 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 November 13, 1987 as follows:

LEGAL AFFAIRS

Bill "An Act Related to the Members Pool in the Tri-State Lottery" (S.P. 697) (L.D. 1922) (Presented by President PRAY of Penobscot) (Cosponsored by: Representative JALBERT of Lisbon) (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 item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative CARTER of Winslow, the following Joint Resolution: (H.P. 1420) (Cosponsors: Representative MELENDY of Rockland, Senators DOW of Kennebec and EMERSON of Penobscot)

JOINT RESOLUTION MEMORIALIZING CONGRESS TO REINSTATE THE BANGOR, MAINE OFFICE OF THE FEDERAL RAIL ADMINISTRATION AND TO ADOPT LEGISLATION TO IMPROVE RAILROAD OCCUPATIONAL SAFETY AND HEALTH CONDITIONS

WE, your Memorialists, the Senate and the House of Representatives of the State of Maine in the Second Special Session of the 113th Legislature, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the Maine Legislature enacted 1985 Public Law, chapter 813, which established the Legislative Task Force on Railroads and charged the task force with identifying the most effective role for the State in retaining and enhancing rail transportation in Maine; and

WHEREAS, the Legislative Task Force on Railroads has learned that the Federal Rail Administration has chosen to eliminate their Bangor, Maine Office and move their only Maine-based track inspector to their regional office in Cambridge, Massachusetts; and

WHEREAS, during the deliberations of the task force it was found that there are no rules or regulations enforceable by any state or federal agency that establish basic standards of sanitation on rolling stock in which railroad employees work; and

WHEREAS, the Congress of the United States is currently considering proposed amendments to the Railroad Safety Act of 1970; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully urge and request the Congress of the United States to vote to reinstate the Bangor, Maine Office of the Federal Rail Administration, to staff this office with motive power and equipment and hazardous-material experienced personnel in addition to the current track inspector, and to improve railroad occupational safety and health conditions; and be it further

RESOLVED: That a duly authenticated copy of this resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, the Honorable George Bush, President of the Senate, and the Honorable Jim Wright, Speaker of the House of Representatives of the Congress of the United States, and to the members of the United States Senate and the United States House of Representatives from the State of Maine.

Was read.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: This is the first time that I have risen in this session and I am a member of the Special Task Force on Railroads. I don't know why I was appointed, I don't have a single rail in my district but the Speaker and the Lord works in mysterious ways.

However, a few days ago we had a hearing and nearly 100 railroad workers were there who were concerned about safety. I also listened to the bureaucrats from Washington testifying in front of my committee here about a month ago. I didn't get enlightened, I couldn't understand what they were talking about so I would hope that everyone here would contact the Congressional Delegation because I think it would be a real blow to the safety of the rail situation here in the state if they close that office in Bangor. I really don't see how a man can possibly oversee the entire rail system in this state and I think it is a case of being "penny wise and pound foolish" and I was happy to second the motion for this.

I just happened to be around at the council meeting yesterday so I urged the council to introduce this in the absence of Representative Carter.

Subsequently was adopted and sent up for concurrence.

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

PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Amend Certain Powers of Hospital Administrative District No. 4" (Emergency) (H.P. 1419) (L.D. 1930) (Presented by Representative THISTLE of Dover-Foxcroft) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(Committee on Human Resources was suggested.)

By unanimous consent, without reference to any committee, the Bill was read twice, passed to be engrossed 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 to Gong)

The House was called to order by the Speaker.

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

SENATE PAPER
Divided Report

Majority Report of the Committee on Labor on Bill "An Act to Reform the Maine Workers' Compensation Act to Assure Coverage for Maine Workers" (Emergency) (S.P. 692) (L.D. 1918) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 703) (L.D. 1928)

Signed:

Senators: DUTREMBLE of York
COLLINS of Aroostook
Representatives: HALE of Sanford
WILLEY of Hampden
TAMMARO of Baileyville
RUHLIN of Brewer
ZIRNKILTON of Mount Desert
HEPBURN of Skowhegan
BEGLEY of Waldoboro
JOSEPH of Waterville

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

Signed:

Senator: ANDREWS of Cumberland
Representatives: RAND of Portland
MCHENRY of Madawaska

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

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

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

Mr. Speaker, Ladies and Gentlemen of the House: I have moved the Majority "Ought to Pass" Report in order to save time. I am on the Minority Report but I did not want to move that for the simple reason I don't want people wiggling out on both sides of the issue. I want people to stand up and be counted for what they stand for.

I am opposed to this piece of legislation for many reasons. The major reason is the way it came about. I recall back in February, I believe, or March and I offered a bill before the Business Legislation Committee which was to start a competitive state fund in the State of Maine. At that time, there was an attorney that did testify in favor of that bill and did indicate to the committee that if the insurance carriers of this state did not win their case in court, they would be leaving the state in droves putting the State of Maine in a position where we would be open to blackmail. Lo and behold, after the court ruled, the judge gave them a method of removing themselves from the State of Maine and what that attorney had said, has happened. We are being held hostage and the next thing that happened was we were called into Special Session and told that we must act, there is a crisis, and I for one believe that it is fabricated, made up or manufactured, whichever way you want to look at it. It was all planned.

The Business Legislation Committee and Labor Committee had come to a point where we said there are problems in this state and we set up a committee to look at ways to solve these problems in a manner that would be taking into consideration the welfare of our working people, the welfare of our employers and the welfare of the state and also keep in mind that you cannot remain in business when you are losing money.

We also had to keep in mind that there was a possibility of looking at a competitive state fund, something that would give us a good barometer as to the insurance business and how profitable or non-profitable it is.

I want to make it perfectly clear that it is not the taxpayers money that we are talking about when we talk about a state fund, it is an authority similar to the Turnpike Authority. It is not the taxpayers money directly. The state's name would be behind them but that is not something that came up so we did not have to face that. I believe the whole thing was to derail the study that was undertaken because the more (I am not saying that the insurers were making great profits) we dug, the more information we found that they were not really hurting that bad, but maybe they were. In the past several years, the good gentleman from Eagle Lake, has appeared before the Superintendent of Insurance. The Public Advocate, the AFL-CIO, the Chamber of Commerce are always arguing before the Superintendent of Insurance saying that those rate hikes are not justifiable. We do not have enough information because the insurers are not providing us with enough information so the rate hikes have been denied the insurers, rightfully or wrongfully. But they were working in concert -- the whole representatives of labor and industry. Now we

are at a point where we have to do something and what do we do? We turn on the very people that we are so proud to say they are our greatest assets. We turn on them and say, "Mister and Mrs. Labor, you are going to make up the difference of all the losses that the insurers have had in the past. We are not going to have any rate increases, you are going to subsidize the whole system." That essentially is what this bill does.

It takes the working men and women of this state who are, if you have not spoken to them on a one-to-one basis, presently suffering. They are suffering mental anguish, a feeling of loss, a feeling of desertion by the state, the employers, by the insurers, attorneys (I assure you they do not like to deal with attorneys) and you are saying, "You are not suffering enough for us as far as we are concerned, you are going to have to suffer a little bit more. We were paying you a certain percentage but now we are going to give you 20 percent of your numeration that you used to receive." Ladies and gentlemen, I don't feel that we are doing justice to our working men and women and were they here before us, face-to-face, especially these people have gone through this system, I am sure that we would not vote to do it. I have no question in my mind whatsoever that if it were your daughter, son, father, mother, you would think totally different. You would not say, "Well, let them pay." Out of sight, out of mind -- I assure you, you would think totally different.

We tend to always come on to the people who abuse the system but the majority do not abuse the system. It is like saying that every kid in school smokes pot -- it isn't true and we all know it. There are percentages and they are always a minority. The rotten apple always appears.

Ladies and gentlemen, I cannot believe that the State of Maine has had (in the past) the most humane, best workers' compensation system and now we have gone from the best to this bill, which is inhumane, in my opinion. It has absolutely no feeling at all for the working men and women of this state. We are going to sacrifice those people for the greater profit of the insurers.

If you look at the title of this bill "An Act to Reform the Maine Workers' Compensation Act to Assure Coverage for Maine Workers" -- that sounds great but that is not the real honest-to-God's truth, is it? The real truth would be to insure greater profits to the insurers, to assure that the employer can afford insurance without a rate increase.

I was led to believe and I think that most of the people were also led to believe that we needed 100 points in order to survive at the minimum because they said maybe 200 to 300 was more in line. Finally, it turns out that (I did speak with the Governor and he said, "No, I never said that, I said 75") -- 75 ladies and gentlemen, and make up the difference with 65 from the working people and maybe a rate increase -- who knows?

We were told that we would be working cooperatively in a non-partisan fashion -- maybe to your surprise, I am the Chair of the Committee on Labor and I have never (not once) been asked by the Governor's people as to my opinion on anything. That should tell you a little bit on how non-partisan it was. The first thing I had (and Democrats) was a meeting with the Governor's people and prior to my meeting, there was a meeting with Republican's only. We were called saying that it was non-partisan -- I beg to differ. What I thought would have been a good solution was to say we would raise the cap and we will come back in January and honestly negotiate and compromise. What is it we have to negotiate and

compromise with the Governor? Nothing. He took us and threw us in a funnel. Here is a bill where the majority of Democrats in the House and the other body are going to come out of that funnel and stink because any increase to the employers of this state, the finger will be pointed at the Democrats. If not, I wish that the Republican Party would get up and say, No, that is not true.

Any cuts in benefits that we have made will make it easy for the Governor to point the finger at us and say, "Look, the majority of the people running the two Houses are Democrats." What better opportunity, non-political, of course, to get rid of Democrats.

These are my feelings, I may be wrong, I have been wrong very often but let me assure you that the working people, were they able to come before us, which they are not, they cannot afford to come to Augusta, they cannot afford to pay these high-paid lobbyists -- we have a few, not the caliber and not the numbers that the employers have or the insurance people have. For instance, if I were not in the legislature, I would never, ever come close to having my views be known to you people -- absolutely not because I could not afford to take the time to come down here. If I were to write to you, I don't believe that you would really pay attention to what I said and you could not have the feeling I have because you couldn't understand what we are going through. To bring my point home, let me say -- were we to do to our veterans what we are doing to our working people, I assure you that you would have a totally different picture because the representatives of the veterans would be here and I assure you that you would not be here putting these veterans back to work within 7 years or else. You wouldn't be saying to the people on welfare, we will train you and 7 years from now you go to work or else you are out. Not a penny. These working people are people that have dignity and do want to work for a living but you are saying, "You are a good taxpayer but we don't want to help you at all. We want to put the shaft to you anytime, each and every way that we can."

Look at your tax base -- where does it come from? The majority of it comes from your individual taxpayers. Corporations paid \$1.3 million for last month and the individual was \$23.4 million, I believe, so who pays the brunt of the tax? It is the individual.

What the system is going to do is take those people, force them on to welfare and who is going to pay? Not the employer (partially, but percentage-wise, it is going to be the other employees) and it is apparent to me that the government of ours is becoming more and more concerned with the lives of its free citizens and they want to make sure that they are under the thumb of government. We have all our state employees, our county employees, municipal employees, and all our welfare people, which the government can control. Those that they can't control are the free people who want to work for a living and do take pride in working for a living and they can't control them -- yet. They are working at it. Whenever we want to do anything positive for them, we say no. Whenever we want to do something to cut them down, humiliate the working people, we say yes. I don't care if you have a cannon pointed at my head, I still say that it is not right, it is not humane, it is not correct. Some people will talk their way out of it by saying, "Well, we have the lesser of two evils" -- there were other answers to this problem that we could have come up with had we had the time, put our heads together, communicated, but no, we chose not to.

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

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: Regardless of how we got into this mess (I guess that is ancient history) somehow or another, we are in a real crisis. All of the insurance companies I know have served notice that they are going to move out of the state unless we do something with the Workers' Compensation Act so they can manage to live with it. I know that I have gotten a lot of calls from constituents and I suppose everybody in this body has who have received notice that their workers' compensation coverage was going to cease at the end of December. Part of our laws say that all employers will have workers' compensation coverage and there is a vast fine if you don't have workers' compensation coverage. If we are going to have any carriers in the state, it is impossible to have workers' compensation coverage so we are in a mess.

Insofar as one of the insurance companies making a buck or not, I don't know. The only figures that I can accept are those of the actuaries. It is a very complicated process to figure this thing out. The actuaries hired by the Superintendent of Insurance indicated that their revenues were not sufficient to pay the losses and that was verified by the independent actuaries that were hired by the Legislative Council. There are a few points difference but, in general, they were very similar, that either revenues had to increase or benefits had to decrease or a combination of both.

We studied this matter for five weeks now. I think it was the 20th of October when we started. I don't know how the others on these committees feel about it but as far as I am concerned, it has been about the longest five weeks of my life. I can remember clomping around in the jungles and foxholes and the time over there went faster than it has for this five weeks.

I think we did study every single aspect of the problem. The Governor's bill was brought to us as a solution and we studied every aspect of that bill. It wasn't cast in concrete, it was made very clear to us from the beginning that it was not cast in concrete. The figures that the actuaries came up with indicated that the fairest way to go about it was to make up 65 points and reducing benefits and the rest in increases in revenues or premiums. Believe me, we attacked that from all angles and for five solid weeks, I listened to every single argument that there ever was in this respect. Some of those arguments I had heard before in the past six years that I have been on the Labor Committee. A lot of them were not new but it was evident to us that we had to do something and we did try hard and we accomplished what to me appears to be a reasonable bill.

There are things in this bill that I wouldn't have in there if I were going to write it. I am sure there are things in there that wouldn't be in there if any of you were going to write it but I think it was an excellent compromise to accomplish what we had to do.

I am not going to stand here at this hour and try to enumerate all the things that we have done in this bill because each party has had a caucus and I would suppose that virtually every aspect has been talked about and debated within the caucuses. You've probably heard too much already. As the debate goes on, it may be necessary to come back and talk about some particular feature if there are any questions about it but right now, I don't feel that that is necessary. We have a companion bill that addresses

the things we are not going to be talking about in this bill, which combined, accomplishes a vast change in the workers' compensation system. I think it makes it more fair to everybody involved. Certainly a lot of people are not going to have jobs if we don't have workers' compensation coverage in this state.

We have had to make some sacrifices to this and believe me, all of the sacrifices are not on one side. We have tried to address the issues that were brought up by all the people concerned. The hearing room of the Labor Committee was filled to overflowing every time we had a meeting. I don't believe any issue was mentioned that we didn't address to the very best of our ability and, by doing this, we came out with a good bill and one that has bipartisan support. As a matter of fact in the last year, I think this is probably the only bill that I have stood up on the floor that has had bipartisan support so I am proud from that respect. By getting that bipartisan support, we (including myself) all had to give a few things.

I sincerely hope and wish that we do pass this bill as it is written, L.D. 1928. I do urge your support and I do request a roll call.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: People who have been here a number of years told me that they felt that this was the most complex, emotional, and difficult situation that they have seen in the legislature. I know something is going on that is different when I stand up to support the position of my dear friend from Hampden, Representative Willey. Usually I enjoy being on the opposite side of him but, in this case, what we have in the State of Maine is something that is broken and does, in fact, need fixing. That fixing has to be done in a bipartisan way and a very caring way.

The committee, through five long weeks, (I heard a description where sometimes you have to turn over rocks to look for solutions) we looked very exhaustively, very intensely, for other alternatives. We did not find any truly workable alternatives, other than what we have come up with. We came up with that, I assure you, after a lot of give-and-take, push-and-pull, discussions, everything that we could go through.

What you have before you is L.D. 1928. It is a thoughtful compromise bill that, hopefully, save the workers' compensation system for the State of Maine and, at the same time, help (and I sincerely believe this) the injured workers of the State of Maine. When you look at it, and I feel I am quite accurate when I say that 95 percent of the injured workers in this state, will actually benefit from this bill. I think the press has not fully understood what we were doing. Benefit cuts, benefit cuts -- they are overlooking the fact that 70 percent of the costs of the workers' compensation system in Maine is generated by about 5 percent of the people who are on what we call PPD's, permanent-partial disability. Those people need help. Because you accept the principle of duration to benefits, you must do something to help those people. Those workers on PPD's do not want to stay home, they want to go back to work.

In this bill, through a new provision that we have in it called retraining, we allow these people to make a career change by retraining. If it requires college, vocational-technical institute, whatever is required to help that person make a career change -- for example, if a person has one arm

and can no longer be a paper hanger can now go into a different career field. That is important. That helps the injured workers of this state. I think it also helps the system.

The original bill which was presented to the Labor Committee, I felt was an economic bill, pure and simple. After the Labor Committee and I mean all the members of the Labor Committee, got done with it, the bill now has, I feel, a conscience and a heart. That is important. I think those things which we have done such as retraining, giving the workers the right to be rehired by their same employer, in most cases, will end discrimination in job applications to injured workers on workers' compensation. These things are going to help the workers of Maine.

Those people who are permanent-partial disabled will not have the discrimination when they go out to make out an application. They are going to be able to make that career retraining and I think, because of that, we are going to have a mentally, happier, healthier person in the workplace.

We also wanted to do a little in-depth on the rehab portion and in the retraining to make sure there were no cracks for the people to fall through. Because of time constraints, I don't feel that we wrote those areas tightly enough but there was an agreement in the entire Labor Committee, again with both parties participating, that in January the first order of business that the Labor Committee will do will be an exhaustive reworking of the rehab and to make sure there are, in fact, no cracks in the career retraining provision.

We have got a lot of debate so I don't want to go on too long tonight but I just want to say one thing to all of you -- those of you who have been here know that I can be, quite often, considered a staunch, loyal, supporter of the workers of this state. I would not be here advocating this bill tonight if I did not feel I was still a staunch and loyal supporter of the workers of this state and also their employers.

I hope that you will go along with the Majority Report and vote with me.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Tammaro.

Representative TAMMARO: Mr. Speaker, Ladies and Gentlemen of the House: I also was a member of the Labor Committee and we worked very, very hard for five weeks. There were a lot of frustrating moments and tempers were flaring at times. Some people were adamant on the Republican side and some on the Democratic side. We all felt that it should be a bipartisan decision to this problem and it has been a problem, don't let anybody kid you. There were things in that bill that I personally don't like but after we worked it all out and come up with the bill that we have now, I firmly believe (and I am a union man, believe me and I know some of the union guys don't want to believe this) because of the fact that, in my hometown, at nearly every meeting, there were three people who were union. I let them know and I told leadership and labor -- you can fill this darn room up full of labor people or management or insurance people, it isn't going to make one bit of difference in the way I vote. When it comes time to vote, I will vote my conscience and that is exactly what I did. The boys took me out to dinner and they were great. I watched them all grow up. I asked them how come they were here and they told me -- but I told them, I hope you aren't wasting your time and your money because I am going to vote my conscience and that is exactly what I did. We worked very hard to come up with the vote that we came up with.

I do hope, ladies and gentlemen of the House, that you will support this bill. I was down to the insurance meeting this afternoon and the insurance people told us (several of you people were there) that if we didn't get 65 points, they wouldn't be here after December 30th. So, I hope that you will support this bill. It is a good one.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have a rare privilege this evening to echo the remarks of my colleagues, Representative Ruhlin and Representative Tammaro and a number of other members on the Labor Committee. The fact that we have a 10 to 3 Majority "Ought to Pass" Report is clearly indicative of the spirit of cooperation that I, quite frankly, didn't think all of us would find. We came here under the area of crisis and that area is still with us this evening. We all knew that we would be facing some tough choices of cuts, a choice we didn't want to have to make, but a choice we knew might be necessary in order to save this system.

What we have been able to do over the last four to five weeks has been to make those cuts in areas where we thought they could be most prudently cut and, at the same time, make the system better for the workers of this state. It has been said to you this evening that some feel this bill is inhumane and I just want to briefly tell you why I disagree with that.

First of all, as Representative Ruhlin has already stated to you, the retraining issue -- does anyone here actually think that workers want nothing more than to stay on benefits, once they have been injured? I don't and I don't think that you do. I think all of us realize what a worker wants, once they have been injured, is to be given a chance, a chance to, once again, become a productive member of our society and that's what the retraining provision of this bill does. It guarantees compensation for that minimum duration and it guarantees that employee the right to be retrained if another position is not available for them. It requires their employer to hold their previous position open to them for a period of one year after maximum medical improvement unless the employer can prove that that would be unduly burdensome on the employer or if an employee is not physically able to continue in that capacity. That is when the employee has the right to seek retraining. As a matter of fact, they will be required to do so because it is our intention to, once again, make sure that the employee is going to, once again, contribute to our society.

For these reasons, along with many others of this comprehensive bill that we deliberated over for such a long time, I feel and I know many others feel, that this bill is the first and a very important step, not necessarily the only step but a very important step, in bringing our system back into line and making sure that insurance companies will stay here and realizing that the most important goal that we actually came here to do is to make sure that employees are going to be covered by workers' compensation insurance. If we can do that and make it better for the employer at the same time, which we have done, we have done pretty well.

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

Representative HALE: Mr. Speaker, Men and Women of the House: I am not going to reiterate what my other colleagues have told you but I would like to speak to you as a spouse of an injured worker.

To say that you cannot realize or put yourself in their place, I don't have to realize and I don't have to fantasize, I was and am a spouse of an injured worker that will never be able to perform gainful employment again. I am very pleased to be able to present this piece of legislation, L.D. 1928. It is the tool that is going to enable the injured worker to return to the work force with dignity and with pride. The avenues closed to him before are now open. My husband and myself working with the Labor Department, the Department of Human Services exhausted every resource that the state had to offer. There was no recourse for him, no re-education.

With this piece of legislation, we are giving to our constituents, to the workers of this state, the opportunity to walk proud and straight again. They will utilize this tool. We may be criticized by some for a short period of time but, in the end, they will thank us, the 113th, for utilizing this piece of legislation to enable them to enter, perhaps in the same company, the same position. If not, they have hope, they can see where they are going and that is to be back with their fellow man, working. I, for one, will not hesitate, I will not hang my head, I know what we have done and we have done what we were charged to do and that is to take care of our injured people, watch and be concerned about the employer, and to, at the same time, assure a workers' compensation insurance system, within this state.

I urge you to support this.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Many weeks ago, the Governor addressed this body, laid out very clearly his concerns in terms of working people being able to continue working and that Maine businesses continue to open their doors to those Maine workers.

The Governor had indicated, at that time, that this was not an issue that any one would really want to spend October and November here in Augusta addressing but that we had no other recourse because we were in a crisis. There were many at that time who said, because of the lateness, the closeness of that January date, the complexity of the issue, that we would not be able to solve that problem. In a late night speech, I indicated my bipartisan faith in the members of this House and especially in the institution called the committee.

There are those that feel that maybe the strength of the legislature is leadership -- I have always felt that the strength of the legislature is the committee. Having been an observer of that committee process for the last five weeks, I saw a group of men and women, I saw a group of Republicans and Democrats, that at some given point during the day, they would reach a roadblock, they would reach what would be a dead end. They would regroup and come back because they knew what the cost was and, during the last five weeks, they have put family, home, and work on hold and, day by day, have worked toward a consensus, a compromise, that protects the Maine worker and protects Maine businesses.

We have before us an "Ought to Pass" vote that is a solution to our crisis and I would urge your "yes" vote on the motion before us.

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

Representative CONLEY: Mr. Speaker, Men and Women of the House: I, for one, do have a tremendous respect for the committee process, have a respect for my leadership, the leadership of the other party, I know that people have worked very hard on this issue

in the course of the last five weeks. There has been a lot of give-and-take on this bill and the bill does not resemble what it did when it first came before the committee five weeks ago. Although I respect the process, I must respectfully disagree with the majority as they came down on this particular issue.

The reason I disagree is because I think it would be helpful to look at this issue in a historical perspective. Sometime ago, employees were given the right to sue their employers for injuries which they received on the job. Due to the fact that employees were getting substantial awards in the courts of this country, legislatures around the country enacted comprehensive legislation which would take away that right to sue and gave the employee instead a right to compensation and medical benefits. That compensation would last until an employee was either better so he or she could return to work or until the person died. Since that initial legislation, there has been erosion of the employee's right.

Four years ago, this very legislature eroded those rights, under Governor Brennan's bill at that time. This bill, to me, represents too serious an erosion at this time for employees. We are calling for a serious cutback in permanent impairment awards, awards which essentially right now your arm is worth 100 weeks' worth of compensation. Under this new bill -- what is it going to be worth? We are also cutting back, freezing again, benefits. Some will be frozen for three years. I have taken some time and looked at this draft during our break -- coming here the first day, it is very difficult for some who are not on the committee, to appreciate what has gone on in the committee process but still I am not very happy about that particular cut or freeze. Most seriously, there has been a big erosion for somebody who is partially disabled. Somebody who is partially disabled and unable to go back to work, essentially they are out-of-luck after 400 weeks. The insurance companies and the employers think they have given up a lot by saying that they are going to have some rehabilitation, we are going to guarantee your job. The rehabilitation provisions of the present law don't work and I would suggest that the rehabilitation provisions under this law are not going to work.

The drafting that has gone on in dealing with guaranteeing someone a job has no teeth whatsoever in it. An employer now has the right to fire somebody if they are unable to come back to work because of their injury. That right is not going to disappear, they are merely going to have to wait a year and then they will be able to let the employee go after that time if there is not a job available for him. I suggest that if somebody is out there in a warehouse lifting boxes, they hurt their back, they are not going to have a job for them in that warehouse to go back to. It is just not going to exist and that person, after 400 weeks, is going to be totally out-of-luck. Those are the people I am concerned about, those are the people who are going to be hurt by this legislation.

The big picture that has gone on behind the scenes here is the insurance companies threatening to leave this state if we don't do something about this crisis, another crisis after the initial one four years ago. These are the same people who are opposed to a state fund. I am not suggesting that we do have a state fund but the rationale behind opposing one leads me to believe that there is still money to be made out there by these insurance companies. I know people have made a valiant effort, I respect particularly the working men who have been in unions on this committee, and I know they have worked hard

on the bill, but my conscience will just not allow me to support this piece of legislation.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I rise today because I understand how Representative Conley is feeling. I also have shared many of those feelings so tonight I am to address my comments to those of you who might be feeling frustrated, who are confused by conflicting information, who are feeling resentment for being brought here and not really seeing a clear, clean solution to the problem. I understand that.

I want to talk to you about the reasons we are here and what Representative Conley said is true -- we are here because of blackmail and because of threats. We are here because the insurance industry said to us and to their employers around this state that they would withdraw coverage of workers' compensation in this state if we did not do thus and so.

Many of the Labor Committee members, and I will also include the Banking and Insurance committee members, probably felt the same way that you are feeling now. For those of you who feel you cannot support this bill, I hope you will listen to some of the comments because this bill is very different from L.D. 1918 that was presented to us early on.

I want to tell you how I felt. I resented being manipulated by a manufactured crisis, by a group of investment bankers who were, in fact, not getting enough percentage on their reserves and investments so felt that they needed to come to this state to increase premiums to put everybody in the assigned risk pool and so forth and so on who lost in court. I resent that. I resent the fact that they misled employers of this state.

You have heard comments about a point system, a point system where we were told on the committee, that we had to raise 65 points. I have a bunch of letters here from employers just in my district, 200, 300, 400 of them, and they say: "Dear Representative: The cost of Workers' Compensation in Maine is a great concern to me. Maine's Workers' Compensation benefits must be brought into line like those offered in the rest of the nation, I am counting on you to support the Governor's reform legislation." Nothing in these letters or any rhetoric or propaganda told employers in this state that, in the Governor's original proposal, premium rates were going to be increased 35 to 40 percent. No, employers of this state were not told that. However, through democratic efforts, through the efforts of the committees, that has been reduced. That has been reduced to an estimated (and clearly this is estimated by the actuaries that were here) accumulation of points that we gathered by those hidden points not presently recognized by the Superintendent of Insurance and the Administration, that perhaps employers in their state will not see a 35 to 40 percent increase in premium rates but will only see anywhere between 10 and 20 percent rate increase. That is a concern to me because when I have little P.S.'s on my letters that say my workers' compensation rates were increased 200 percent, they believed that the Governor's bill was going to fix it.

I am very concerned about benefit cuts footing the bill and I resented the fact that we were trading dollars for people. In the original bill, there was no such thing as total incapacity because the whole body concept was in the Governor's bill. That whole body concept said, that if you lost two legs, you were not totally incapacitated because you had only lost 60 percent of your body. The committee's,

Democrats and all those who sat on that committee, fixed that. The whole body concept is repugnant to me and draconian to say the least. We restored permanent impairment to the bill. We were told that the 5 percent escalator to deal with inflation had to be gone except in certain categories of total incapacity. The Democrats in the committee's in the legislature restored that. We were told that maximum benefits under the Governor's bill had to be reduced 133 percent; however, we dealt with that, we weren't going to allow that to happen. What we did was cap it for one year at \$447.60 and, at the end of that year, to be very honest with you, it will be 138 percent. So the committee process was at work.

You know the history of labor bills in this 113th session of the legislature -- it was our time to put things into that bill that would pass the muster. It was our time to do good things and there are some very fine things in this bill. You have heard about retraining -- we all know, as Representative Hale said, that almost every worker down to the last worker who possibly can, wishes to work, so we have an excellent retraining program. We have study committee that is going to deal with rehabilitation and all of the other aspects of retraining that perhaps have not been found in the bill as is presently written today. There are good things in this bill.

There is another part of this legislation dealing with discrimination of those workers who were applying for positions and had received workers' compensation -- presently, when workers' compensation recipients apply for a job, it is asked on the form -- "Have you ever been a recipient of workers' compensation?" Nobody said that that was illegal and it wasn't. Several of us had recognized this in the Joint Select Committee dealing with cost benefits and, therefore, we amended the Human Rights Bill to say that it is illegal to do so. It is important for those persons who wish to work, not to be discriminated against.

I urge those of you who are feeling uncertain about passing this bill, those of you who are concerned that we have gone too far -- it was not until five minutes to four yesterday afternoon that I signed the "Ought to Pass" jacket and I am glad I did. I urge you to support this bill. I believe that it does the job.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: My approach, I hope, is a little different than what you have heard here today.

In concept, it is a question that I am trying to pose, a question from the humanitarian. I heard Representative Ruhlin address the 95 percent to 5 percent -- that satisfied one of my major questions.

My mail at home ran 95 percent or better to 5 percent in support of this legislation that was offered by the Governor.

I can remember doing an awfully lot of good during my professional career. The good never came back to haunt me but the bad that I did is still a major concern of mine today -- could I have addressed it differently? Will that 5 percent be the bad to haunt me? I think we should address the 5 percent and put it in its proper perspective so that we can truthfully address this whole issue.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: There are just a couple of points that I would like to make that I don't think I

have heard mentioned. If they have, I hope you will bear with me.

I would like to point out that when the Executive Department and the actuaries compared the figures with other states (you have all seen a lot of those reports) I think we have to face the fact that Maine in itself was out of line in some areas. I think when the other two actuaries came and checked on the actuarial first set, they bore up a lot of this and I would just like to point out that, in order to try to bring this back in line, we have had to make some tough decisions. The permanent total people are not going to be affected at all. A permanently impaired person will still receive lifetime benefits with a 5 percent escalator. I think that that needs to be made very, very clear. Representative Ruhlin has already told you about the permanent-partial injury people and about the 400 weeks and our hope in the retraining and all of that. As Representative Hale has said, we are giving them hope and a chance to get back into the work force.

Our temporary total people probably will not be affected at all. They will probably be just the same as they already are.

I would just like to finish up with this. Even with what we have done and what we are attempting to do here, we will still be among one of the more generous states in the country. I think that is important to all of us and I think we all do care about our workers and are pleased about that fact.

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

Representative RAND: Mr. Speaker, Men and Women of the House: I really do hate to belabor this but, as one of the members on the Minority Report, I feel that it is my duty to speak.

We have placed a lot of emphasis and importance on the fact that we have retraining and rehab in this bill. The fact of the matter is, our present rehab is only 56 percent effective. That is going to leave 44 percent of the people, who want to go through retraining, if they cannot find a job within six months, cut out of the system. They lose their benefits. If in your deliberations and if in good conscience you can do this (I think we will end up with a fairly sizable number of injured workers in this state) then go ahead and support this bill. I certainly do not intend to.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I just wanted to take a moment to clear up a misunderstanding with my good friend from Lewiston that I think I created. That 5 percent that I was referring to would still, after they reach the point of maximum medical improvement, would now have benefits that they do not presently have. I just wanted to make that absolutely clear. They would now have, under this bill, the right of rehiring to their original employer. They would also have the absolute right for a career retraining should that be necessary so we are not forgetting that 5 percent.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I just wanted to try and add a different perspective to the issue in front of us. We have heard members of the committee speak very well of their long and arduous process trying to reach a compromise in this bill. I think we have all been through similar circumstances in our own committees on different issues. What usually happens in that situation has happened here and that is you

have a very complex and very broad bill that I think contains some very good legislation. I agree with Representative Ruhlin and Representative Joseph that many parts of this bill are, indeed, for the benefit of Maine workers. The rehabilitation, the effort to end discrimination against injured employees and various other aspects of this bill are very beneficial. I intend to vote for this bill on the first reading because I know that there are amendments to be offered that may, in fact, remove some of the portions of this bill that I find objectionable. So, I intend to vote for this on the first reading so we can get in a posture to amend it.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: We started with L.D. 1918, we have come up to L.D. 1928 and I hope we can come up with 1987.

It defies my mathematical intellect to say that 95 percent of our employees in this state will be better off and the 5 percent we are not going to hurt. I heard they will be better off because they will be retrained and yet, what we did as we cut benefits, we gave them 20 percent of what they used to have on the whole, if you look at it properly, and we are saying you are better off. The retraining, ladies and gentlemen, is not paid by the insurer, it is not paid by the employer, it is paid through the weekly wage benefits of the employee. So, you can run around the issue, you can tell people that you are doing good, but my bottom line is, read the bill. If you look at Page 28, it states it very clearly that the employee is going to pay for his retraining. In this bill, there are absolutely no guarantees that you have a job. Tomorrow, in the future, as well as in the past, the best place for a person to be assured of a job is when you are working for a self-insurer because that person has a true vested interest in you. When you have a third party insuring your employee, let's be honest, they don't give a darn. They say, "My premiums are high enough; pay the poor guy, put him on the system." They have no real, true, honest-to-God interest and that is another big point that I have. We do not help the employer that provides a safe workplace. I have never seen any employer that has received a rebate from an insurance company because he had not had an accident for x-number of years. They keep going up. Of course, there is inflation but not to that point. It is just like car insurance — you will never see your car insurance come down even if you never have an accident. If you have one though, your insurance rate might even double the next year.

Let's not live in a dream world, let's not talk out of both side of our mouths — let's say it the way it is. If we want to have the insurers come into this state at the expense of employees, fine, vote for it, but let's not kid our constituents into believing that this was the lesser of the two evils that we had to do. There will be other days. If this is not accepted, I am sure we can compromise on something. All the minds that are around here, there must be a solution to this problem that is humane.

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

Representative BAKER: Mr. Speaker, Men and Women of the House: The bill before us is the product of a compromise and I wouldn't want to suggest that I would never be in favor of making a compromise. I think there are times when one has to and I would be tempted to support the bill as it is, I would be tempted to go ahead and say, I will vote for it, I will compromise, I will go along with some of the

benefit cuts. I might do it if I felt that that would put an end to the drive to reduce benefits for a long period of time but it is my sincere belief that once this bill is passed, that it will not end the desire on the part of some people to want to reduce these benefits further. I say that because, in the time that I have been here, I witnessed a number of cuts in benefit levels.

In 1979, when I was on the Labor Committee, I supported a reduction in workers' compensation benefits. It is called the unemployment shutoff. You had people getting both unemployment and workers' compensation at the same time. That situation seemed to me unfair, I supported it. Then the process continued -- in 1981, we repealed the 200 percent ceiling to 166 percent and then in 1983, we made further cuts. For example, we said that there would be no attorney fees until one week after the posted forum of conference. All right. In 1985, the maximum benefit was frozen at \$447.92 until July 1, 1988 and then we adopted a 5 percent inflation cap. The attorney fees would be paid only in cases which prevailed. Then we also extended the maximum benefit fees to August of this year and more recently, we limited mental stress benefits so that, in the past seven years, we have consistently chipped away at benefit levels.

Against all of this, I received letters like most of you have and my mail, by the way, was running I believe the same as Representative Aliberti's -- most of my mail was in favor of the McKernan proposal. I think I only received three letters against. In each of the letters that I got, mostly from insurance, employers, from the president of a bank which holds the mortgage to where I live, to a bible college -- all of them seemed to dwell on one issue -- benefit levels. The tone of these letters would suggest that we, in Augusta, have done nothing but fatten benefit levels. I would think the record of the past legislature would clearly indicate that this is not the case but yet, the letters consistently harped on benefit levels and that benefit levels were the root cause of the workers' compensation crisis. Not just one particular problem but the root cause (being a Socialist, I know something about root causes, being a radical) and, in my opinion, that is not what the root cause is.

The root cause of the problem is the unsafe working conditions that exist in the state. They are unsafe because we have a paper industry, a shipbuilding industry, a climate that is quite different from (let's say) neighboring New Hampshire or Vermont. So, from my point of view, the root cause and the root solution is to attack the problem of safety. It is interesting to note that at the time we were debating this issue and we were being told about benefit levels, we see that there has been a citation at Bath Iron Works, OSHA violations, that railroad workers are now walking on strike because of safety issues -- these issues have to be addressed. I don't feel that they are addressed strongly enough in this kind of package. I would feel much more comfortable if we dealt with these issues, one by one by one, but we are not.

We brought forth a package, we have to vote on it, we have a limited amount of time, and it makes it very difficult. I, for one, do not believe that there is a real crisis that exists. I have been a supporter of the state fund for many years. I get letters consistently telling me that it doesn't work. I don't know -- it seems to work in New Brunswick and Ontario but I guess it can't work south of the border. I don't understand the reason why but frankly, I would much rather go that route.

I have to oppose the bill because of the benefit cuts that are in it. I realize that the committee has done a tremendous amount of work and that there are some pieces of the bill that actually has merit but I simply cannot go ahead and support it as it is now. I think that one has to make one's stand that one believes in. I am really afraid that, once this bill passes, in two years, the same people will be back asking for more cuts and I think at some point, you have to draw the line and when they ask you to cut benefits, you have to just say, no.

At this point, the Chair appointed Representative Diamond of Bangor to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

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

Representative WILLEY: Mr. Speaker, Men and Women of the House: I don't think we have addressed the matter of safety or told what has happened in this bill and its companion bill in regards to safety. Safety is a very large issue for a great many people and it was, I think, seriously addressed in this bill and in its companion bill.

The Labor Bill, for instance, had the club, so to speak. We have introduced penalties after penalties for those who don't have a decent safety program. The fines are considerable. To see that the proper things are done in the field of safety, a safety board was created, a board that will stay on top of the safety issue all the while. We have also, in the interest of safety again, in the other bill you will notice that there are rewards for proper safety. There is also a club there that there are deductibles for those who are not safe in the workplace. There is an infinite number of built-in issues in this thing which will have a great deal to do in the field of safety.

We do have a terrible safety record in the State of Maine and it has exacerbated itself very recently in that the insurance companies claim that they haven't been making any money so they stick everybody in the pool. So those with a good safety record have absolutely no incentive to improve their safety record at all. Those who have a terrible safety record are being subsidized by all those other good safety records. For that reason, the thing has gotten out of hand and gotten worse, which is the reason we had to attack the problem in this bill.

It has been addressed and I am absolutely certain that it will make many savings but that is something that is not going to happen tomorrow or the end of December because, once the safety program is installed in any company, it takes a long time for it to work. It takes a long time to install the program and it takes a long time for the results to be seen. I don't want anybody to think that the safety problem has not been addressed. It has been addressed to the best of our ability and I think addressed sensibly and one that will eventually bear a very large reward but not immediately.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: I would like to say that I certainly appreciate the work that the Labor Committee has done on this bill. I attended several

of their sessions, they went late, they worked hard, and they deserve our thanks.

I would also say, however, after looking this bill over carefully, that I cannot support it and I will have to vote no. I think I should state my reasons and I will state them to you briefly.

It seems to be that this bill will satisfy neither the concerns of the employees or employers. It won't satisfy the needs of the injured workers because it substantially cuts benefits to injured workers. We don't have to rehearse those benefits but, in fact, my guess is that there will be few injured workers who will receive total compensation under this bill and most will be put into the partial compensation pool. Those who undergo rehabilitation will find their benefits shortened dramatically.

Worst than that, however, I think the bill increases the opportunity for conflicts between employers and injured workers. The procedural rules that the bill will require implementation, especially in the areas of rehabilitation and job offers, and they will be complex. Few employees will understand these rules, even though their rights to compensation will be vitally affected by them.

The decisions that an injured employee must make to be able to keep his or her benefits will be many, will be serious, and will be frighteningly complex. Frankly, that employee will not be able to make those decisions without the aid of a lawyer. I don't think that that was the intent of the legislature over this period of time. Most injured workers hate being involved with the workers' compensation system. This may come as a surprise to some of you but I have dealt with quite a few, as you know, and almost always, they do not want to get involved with the workers' compensation system. They are quite often pushed into it because of rules which we have corrected and they participate unwillingly and they do not like being there.

This bill, by adding to the complexity of the system, will only increase their fears and will not assist them in staying off from welfare and becoming useful members of the community.

This bill also will not satisfy employers. It seems to me that this bill will increase employers involvement with the workers' compensation system. The paperwork that employers will have to file with the system will increase, not decrease, and their involvement with hearings will probably increase and not decrease. Furthermore, employers probably will suffer increases in their benefits and the benefits in some cases will cause an increase in premiums, the vast majority of them. That is not, I think, what employers expect but I think that is going to be the result of passing this bill.

The workers' compensation system needs to be streamlined. I think we all agree to that. Claim questions need quick resolutions; injured workers and employers need to work together to keep injured workers off the welfare rolls, off the town welfare rolls and to get them back to work. This bill, unfortunately, despite the superb efforts which have been made by the Labor Committee, will not do that. It proposes to solve a very difficult problem by multiplying rules and by increasing layers of bureaucracy. That approach simply won't work. The workers' compensation is complex, it has been with us for many years and will be with us in January, I think, still begging for a solution. This bill, unfortunately, will not provide that solution.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Men and Women of the House: In brief response to comments that have been made and most immediately by Representative Priest who certainly has spent a great deal of time as have the rest of us on this issue -- I have seen him on the sidelines in the Labor Committee viewing our lengthy deliberations. For anyone to stand here and assume that this bill is going to solve all our problems, they are wrong. We know that it certainly won't do that.

The assertion that this bill is going to make the system more encumbered or create more paperwork for the employer -- compared to what is going to happen January 1st, that is true, because if we pass this bill, there will be some paperwork, and if we don't, there won't be any paperwork because there won't be any coverage.

With regard to employee/employer conflict, as far as the retraining or the reinstatement of the position, and with regard to the gentleman's comment about the employees not wanting to remain on workers' compensation -- we are giving them a chance which they don't have right now. We are giving them the right to return to their job if they can continue in that job, if their physical limitations allow them to do so, and the right to pursue retraining for another job if they can't have their old job back, a right they don't have right now. In fact many of our employees who are currently receiving workers' compensation, who are grandfathered and will not be, in any way, affected by this, are captives of the system, forced to remain because few alternatives are available to them.

The comments that some believe the system really is not in a crisis -- some believe that the insurance companies aren't losing money -- I don't know what I can say to that other than, you haven't been around when we have been listening to the actuaries, you haven't been around when we have been listening to those who have run the figures and shown us (not all of them agree on how much those losses are) but all involved agree that there are losses and substantial losses at that.

Last Friday, the members of the Banking and Insurance Committee and the members of the Labor Committee went into Speaker Martin's Office and we had a telephone conversation with the actuary hired by the Legislative Council to review the figures which the state office had given us and they said that, while they didn't necessarily think 100 points were necessary, they felt at least 75 points were necessary. They said, "Yes, in fact the insurance companies are suffering major losses."

With regard to the Representative from Portland's comment about safety -- that too is a major concern. They felt that if we brought our accident rate down to the national average, that might represent a savings of perhaps 10 points. As the gentleman from Hampden pointed out, we are talking about a long-term situation.

We cannot with the passage of this bill make Maine a safe place merely with our enactment and the Governor's signature. It doesn't happen that way.

With regard to benefit cuts, PPI's -- 4 percent of the claims, 70 percent of the cost to the system, it is way out of line, it had to be addressed. Yes, if we pass this bill, maybe the insurance companies will be back next year but if they are, it will only be for one reason and that is because they are still losing money. I don't think that that is going to happen but if it does, it will be our responsibility to address the situation then as we have now to make sure that they, too, are treated fairly as the

employees are treated fairly and that we maintain coverage for the employers of this state.

The Representative from Madawaska told you that the employees are bearing the cost of the retraining -- that is true but it is important to point out that it is not something that they are going to be shelling out of their limited benefits each week to pay for that retraining. What will happen is that that retraining will be repaid for up front by the carrier and all costs associated with it and then, when that retraining is complete, the amount that was spent on that retraining will be deducted from the end of their duration period. So, if they were getting \$100 per week and spent a \$1,000 in retraining, then their benefits would be reduced by 10 weeks at the end. It is not an immediate out-of-pocket situation which would create a financial hardship during the time of the retraining.

For those of you who are opposing this bill, those of us who have worked hard for a long time on it, can only say -- let's hear a better idea.

The SPEAKER PRO TEM: 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.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The pending question before the House is the motion of the Representative from Madawaska, Representative McHenry, that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, I respectfully request permission to be excused.

The SPEAKER: The Chair will grant the request according to Joint Rule 10 and House Rule 19.

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, I request leave of the House to pair my vote with the Representative from Brunswick, Representative Clark. If she were present and voting, she would be voting no; I would be voting yes.

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

ROLL CALL NO. 178

YEA - Aliberti, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Callahan, Carroll, Cashman, Coles, Cote, Crowley, Curran, Daggett, Davis, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Holloway, Hussey, Jackson, Jalbert, Joseph, LaPointe, Lawrence, Lisnik, Look, Lord, MacBride, Macomber, Marsano, Martin, H.; Matthews, K.; McGowan, McPherson, McSweeney, Mills, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara,

Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Racine, Reed, Rice, Richard, Ridley, Rotondi, Ruhlin, Salsbury, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Tammaro, Tardy, Taylor, Telow, Thistle, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirnklilton, The Speaker.

NAY - Allen, Baker, Chonko, Clark, H.; Conley, Erwin, P.; Gurney, Handy, Høglund, Holt, Kilkelly, Mahany, Mayo, McHenry, Melendy, Michaud, Mitchell, Oliver, Priest, Rand, Reeves, Rydell, Scarpino, Swazey, Tracy.

ABSENT - Brown, Hillock, Jacques, Ketover, Kimball, Lacroix, Lebowitz, Rolde, Stevenson.

PAIRED - Clark, M.; Manning.

EXCUSED - Carter.

Yes, 114; No, 25; Absent, 9; Paired, 2; Excused, 1.

114 having voted in the affirmative and 25 in the negative with 9 being absent, 2 having paired and 1 excused, the Majority "Ought to Pass" Report was accepted, the New Draft read once.

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

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I now offer House Amendment "A" (H-431) and move its adoption.

House Amendment "A" (H-431) was read by the Clerk.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I realize that I could not win my point of view but I would like to offer this amendment in order to make it more humane for the people affected by this legislation.

This amendment would strike the requirement that the injured worker relocate their families to pursue work. There is no other state in the nation that has such legislation regarding workers' compensation. We are totally different in this aspect of the new workers' compensation law that we are now passing.

I truly believe that it is cruel and inhumane to ask a person who has been injured to move out of his community. It has been alluded that people come out of school and they must move elsewhere. This is not the same thing at all. The young people who have gone away to college come out with the great idea of facing the world, making something out of themselves, getting out from under the supervision of their parents and this is a totally different aspect that we are looking at. These employees who are injured are injured through no fault of their own. They already made their decision when they were young men and women to move to a certain community and have a lifestyle, take a certain job -- when they are injured on their job, they have formed friendships already, have relatives, a home and sometimes it is a home that they have built with their own hands. We are asking these people who are injured to disregard their friendships that they have formed through the years, their relatives, their church, and all their moral support that they have right there -- and move to a new location where maybe they might find a job that will be able to pay for their rent and food. Maybe. It is not a sure thing and we are requiring this and if they do not move, we cut them off the system and I don't believe that that is correct. That is why I am presenting this amendment so it will let these people who have made their choice (similar to the young people that were alluded to) to live in a certain community and they will take a job that

they are able to perform, I assure you. I would. I am one of those people who would not like to move. I live in the most northeastern town in the United States of America and I love it. I love the people and I hope that I die there. I do not wish to move but were I ever injured on my job, the State of Maine says, "Well Mister, that is too bad. You have raised your family, you have your friendships, you have your church, your moral support, but you are going to have to leave there and move down to Portland or wherever, where there is supposedly a job for me." I am not a total healthy person now that I have been injured and you believe that that employer is going to employ me over a young person? Do you really believe that? Ladies and gentlemen, this is the real world. You want a buck's worth of work for a day's pay but when you have a person who has been injured, our human reaction is that this person will not be able to perform as well as a young 20 year old body. I happen to be in a 47 year old body and were I injured, I assure you that my chances of competing against a younger person are very slight. So, if you want to believe that I will be getting a job, vote against the amendment but I assure you that I will not have a job.

People tend to believe that people who are injured are out there to really work the system over. I don't know why but the majority of the people here seem to believe that the working people know the laws of the State of Maine, know how to get around them, and know how to really get into the system. If you really believe that, I wish that you would come to me and explain to me how they do it because I am on the Labor Committee, serving my ninth year here, and I assure you that I still don't know all the laws about workers' compensation but I do know people.

I hope that you will support this.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I would like to point out to all the members of this House that this bill we are talking about amending now is not just a compromise but it is a very delicately crafted instrument for economic justice within our state. When you take that delicate balance, if you will, and start toying with amendments, you are going to tip that scale off and run a very real risk of damaging the bill. I don't want to run that risk. I just wanted to make that point before I get into a discussion about that particular amendment itself.

The committee discussed wording that is now enclosed in that amendment for a long time one night. It seemed like five hours, it might have been one hour, but it seemed like five hours. We went back and forth on that wording, the wording that the committee came up with, bipartisanly. This wording was rejected and the reason it was rejected was that we were utilizing retraining. If you look at your bill, I don't know what page it is, you will see where it refers to this and it also refers to retraining and rehabilitation. I think to retrain a worker in an isolated part of the State of Maine (and obviously, if he or she wants to stay in his area) he is going to retrain for something that is available in his area. I think that is far more important, giving him that retraining right than it is to tell him that he doesn't have to move, you can sit on your porch because there are no jobs available in your community. You can just sit there and mildew for the rest of your life. I think it is more important to get that person back into the job market, retrain him, and hopefully if that person wants to stay

there, he will retrain himself to do something in that immediate area but we do realize that there are isolated spots and it might well be that he wants to migrate. Should he do so, the system itself has a mechanism for paying some costs (which I consider minor) of relocation. That is not really the key issue. The key issue is he can avail himself to retrain for something that is available in his immediate vicinity.

I move indefinite postponement of House Amendment "A."

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

Representative WILLEY: Mr. Speaker, Men and Women of the House: Representative Ruhlin of Brewer is right in everything that he said. This is one of the parts that was debated extensively and a large part of the point system that we eventually came up with.

The problem in the past has been that there are communities in this state where there is very little employment. For instance, in a small town there might be a canning factory which works three months out of the year and a person who is injured there, out of the old law, permanent-partial injury, could be considered permanent because there were no jobs in the area that he could do. So he stayed there the rest of his life and collected his workers' compensation benefits for as long as he lived. That represented a great deal of expense.

Under this bill, he would be retrained. At this time, if he wanted to be retrained, he would be retrained and once he had received training so he could do a job and could go back to work, if there was no employment in that town for him, he could go wherever work was available. He would be welcomed to stay in the town where there is no work if he wants to but he is cut off after seven and a half years. That is certainly ample time to get as well as he is ever going to be and it is ample time for him to be retrained.

In most of these small towns, people tend to migrate some place where the work is earlier on in their life but later, on occasion. That happens frequently and often. It never ends. It is a mass migration for the areas where work is available. This simply is an attempt to put these people back to work with gainful employment rather than have them sit in a small isolated town where they simply can't find work and collect workers' compensation forever.

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

Representative RAND: Mr. Speaker, Men and Women of the House: I fail to understand why the workers in Maine should be subjected to this relocation when, in 49 other states, they are not. If we are really sincere about bringing our compensation system into line with the rest of the nation, I don't know why the Maine worker, of all the workers of the United States of America, should be forced to relocate in order to collect their benefits.

I would urge you to vote to accept Representative McHenry's amendment.

Representative McHenry of Madawaska requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Brewer, Representative Ruhlin, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 179

YEA - Anderson, Armstrong, Bailey, Begley, Bickford, Bott, Boutilier, Bragg, Callahan, Cote, Crowley, Curran, Daggett, Davis, Dellert, Dexter, Diamond, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Gwadosky, Hale, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Hussey, Jackson, Jalbert, Joseph, Lawrence, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McPherson, Mills, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, P.; Parent, Paul, Perry, Pines, Pouliot, Racine, Reed, Rice, Richard, Ridley, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Soucy, Stanley, Stevens, A.; Strout, B.; Strout, D.; Tamaro, Tardy, Taylor, Telow, Thistle, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker.

NAY - Aliberti, Allen, Anthony, Baker, Bost, Carroll, Cashman, Chonko, Clark, H.; Coles, Conley, Dore, Erwin, P.; Gould, R. A.; Gurney, Handy, Hickey, Hoglund, Holt, Kilkelly, LaPointe, Mahany, Mayo, McHenry, McSweeney, Melendy, Michaud, Mitchell, Oliver, Paradis, J.; Priest, Rand, Reeves, Stevens, P.; Swazey, Tracy.

ABSENT - Brown, Carter, Clark, M.; Hillock, Jacques, Ketover, Kimball, Lacroix, Lebowitz, Rolde, Stevenson.

Yes, 104; No. 36; Absent, 11; Paired, 0; Excused, 0.

104 having voted in the affirmative and 36 in the negative with 11 being absent, House Amendment "A" was indefinitely postponed.

Subsequently, the New Draft was passed to be engrossed in concurrence.

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

SENATE PAPER
Divided Report

Majority Report of the Committee on Banking and Insurance on Bill "An Act to Reform the Process by which Insurance Rates are Established under the Maine Workers' Compensation Act" (Emergency) (S.P. 691) (L.D. 1917) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 700) (L.D. 1925)

Signed:

Senators: THERIAULT of Aroostook

COLLINS of Aroostook

Representatives: BOTT of Orono

CLARK of Millinocket

GARLAND of Bangor

ERWIN of Rumford

TRACY of Rome

TARDY of Palmyra

SIMPSON of Casco

RYDELL of Brunswick

WEBSTER of Cape Elizabeth

CURRAN of Westbrook

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

Signed:

Senator: BUSTIN of Kennebec

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

On motion of Representative Rydell of Brunswick, the Majority "Ought to Pass" Report was accepted, the New Draft read once.

Under suspension of the rules, the New Draft was a read a second time, passed to be engrossed in concurrence.

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

November 19, 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 State and Local Government, the Governor's nomination of Gloria Tardif of Augusta for reappointment to the Maine State Housing Authority.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

November 19, 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 State and Local Government, the Governor's nomination of Toby B. Hammond of Naples for appointment to the Natural Resources Financing and Marketing Board.

Toby B. Hammond is replacing Norman Hunt.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

November 19, 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 Legal Affairs, the Governor's nomination of Earle L. Ingalls of Yarmouth for appointment to the Maine State Liquor Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
Maine State Senate
Augusta, Maine 04333
November 19, 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 John C. Sheldon of Farmington for appointment as Judge of the Maine District Court.

John C. Sheldon is replacing John L. Batherson.

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

Was read and ordered placed on file.

The following Communication:
Maine State Senate
Augusta, Maine 04333
November 19, 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 Aging, Retirement and Veterans, the Governor's nomination of David S. Wakelin of Cape Elizabeth for appointment to the Maine State Retirement System Board of Trustees.

David S. Wakelin is replacing Gerald Tabenken.

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

Was read and ordered placed on file.

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

SENATE PAPERS

RESOLVE, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System (S.P. 701) (L.D. 1926)

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 Aging, Retirement and Veterans.)

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.

RESOLVE, to Extend the Interim Reporting Deadline of the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (S.P. 702) (L.D. 1927)

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 Human Resources.)

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. 6 were taken up out of order by unanimous consent:

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on 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)

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

CONSENT CALENDAR

First Day

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

(S.P. 695) (L.D. 1920) Bill "An Act Concerning the Commission to Implement the Computerization of Criminal History Record Information" (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 Paper passed to be engrossed in concurrence.

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

SENATE PAPERS

The following Communication:
Maine State Senate
Augusta, Maine 04333

November 19, 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 Peter Dawson of Augusta for appointment as an alternate member of the Maine Labor Relations Board.

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

Was read and ordered placed on file.

The following Communication:
Maine State Senate
Augusta, Maine 04333

November 19, 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 Human Resources, the Governor's nomination of Rosalyne Bernstein of Portland for appointment to the Health Care Finance Commission.

Rosalynne Bernstein is replacing Albert H. Forsythe, Jr..

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

Was read and ordered placed on file.

The following Joint Order: (S.P. 705)
Ordered, the House concurring, that the following specified matters be held over to the next regular session of the 113th Legislature:

COMMITTEE	BILL
Labor	(H.P. 1415) (L.D. 1919)
	An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes.

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

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Amend Certain Powers of Hospital Administrative District No. 4 (H.P. 1419) (L.D. 1930)

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 3 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. 12 was 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. 1416) (L.D. 1921) Bill "An Act to Prevent Potential Nematode Infestation" (Emergency) Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-430)

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

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

SENATE PAPER
Non-Concurrent Matter

Bill "An Act to Amend the Motor Vehicle Financial Responsibility Law" (Emergency) (H.P. 1418) (L.D. 1923) which was referred to the Committee on Banking and Insurance in the House on November 19, 1987.

Came from the Senate read twice and passed to be engrossed without reference to a committee in non-concurrence.

The House voted to recede and concur.

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

SENATE PAPERS
Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-302) on Bill "An Act to Provide Staff for Improvement of Corporation Filing Services within the Bureau of Corporations" (Emergency) (S.P. 675) (L.D. 1908)

Signed:

Senators:

PEARSON of Penobscot
EMERSON of Penobscot
LISNIK of Presque Isle
FOSTER of Ellsworth
CHONKO of Topsham
NADEAU of Lewiston
DAVIS of Monmouth
McGOWAN of Canaan
HIGGINS of Scarborough
CARTER of Winslow

Representatives:

Minority Report of the same Committee reporting "Ought To Pass" as amended by Committee Amendment "B" (S-303) on same Bill.

Signed:

Senator:

BERUBE of Androscoggin
FOSS of Yarmouth

Representative:

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-302)

Reports were read.

Representative Carter of Winslow moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Men and Women of the House: I have no illusions about winning this issue but I do want to explain for the Record and for the taxpayers of this state how this situation developed.

In my opinion, this is a textbook case on how to build a bureaucracy. Less than a year ago, the Bureau of Corporations in the Secretary of State's Office was running smoothly. When the Appropriations Committee started to work on the emergency budget last winter and discovered that the engrossing function had been moved, along with two employees from the Elections Division of the Secretary of State's Office to the legislative branch, we decided to cut two positions from that Elections Division. This is an important and a very simple point -- the Elections Division of the Secretary of State's Office no longer does engrossing; therefore, they did not need the position. It is as simple as that.

However, the former Deputy Secretary of State was not happy with that decision. Almost over night, the corporations' filing division, which we had not touched as far as positions, was in shambles. Letters went out to lawyers around the state asking for help in restoring the positions. A crisis was manufactured as leverage to gain this request.

What happened? The Deputy Secretary of State had transferred some employees from the Bureau of Corporations to replace the two in the Elections Division, which we had eliminated. Obviously, the result would be that corporation filings would fall behind and the attention of the public, namely the lawyers representing corporations, would be brought to the surface. What a tragedy that the companies in this state would be used as pawns in a personnel dispute. What a gross manipulation of the process in order to slap the hands of the Appropriations Committee for daring to cut two positions.

Some have argued that, because the corporations division generates revenue, the cost of these positions will be offset. However, certainly we do not use the standard in documenting the need for new positions in other state departments that do not generate revenue. It is a false premise that, because a corporation produces revenue, it can therefore get new positions more easily.

The Bureau of Corporations is in chaos, the backlog is four months on processing filings and it is embarrassing. Many of you received letters from lawyers begging for help. There is no question that help is needed to clean up the backlog and we have provided temporary help in the form of two project employees, whose sole responsibility is to work on the backlog. In fact, the other positions that were originally cut have also been restored to the Secretary of State.

In this bill, we are looking at a request for three more permanent employees, which is in fact a reduction from the request for seven. Who knows how many will be needed when the backlog is cleaned up? Maybe none, maybe one, maybe two or three. In my opinion, it is premature to decide. Yes, they are in trouble now but how much extra help would they realistically need in the long run? We all know, citing this very example, that once a position is created, it is sacrosanct, almost no one can dislodge it.

Some have argued that how the problem developed is irrelevant, the only important issue is that there is a problem. I strongly disagree. The background is very relevant because it raises the question of whether or not we want to reward with new positions a department that deliberately created a crisis to achieve a goal. Is that a good precedence to set? Obviously, I feel very strongly about this issue and have little confidence that this request for three positions will be the end of the story. If we wait until the backlog is cleaned up, we can more accurately assess what, if any, extra help is needed. I realize that we all must swallow pride sometimes in order to reach compromise but this manipulation of the process makes me gag. It is time that someone stood up for the taxpayer and says no to flabby bureaucracy.

Mr. Speaker, I request a Division.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Men and Women of the House: The gentlelady from Yarmouth has clearly pointed out that the Corporation Department, more specifically in the Secretary of State's Office is, indeed, in trouble. The trouble apparently was exacerbated when we transferred two positions that did the engrossing to the legislative engrossing department (in Part I). When the error of our ways came to light, we added two positions in Part II and, at that time, I believe that the backlog in the Corporation Division was running about six months behind. What we were told is that there were applications to create new corporations that held checks and the checks were sitting there doing nothing. There is no question in my mind that help is needed to clear up this backlog and, as the gentlelady has pointed out correctly, they are now running four months behind. Hopefully, these three positions that this bill would grant would allow them to come up to date and get rid of that backlog.

It is my understanding that if we don't move on this thing, we may be inadvertently forcing people to go outside of the state, who wish to form corporations.

I would urge you to support this legislation. I might also add that, in the process of adding these three positions, we are also increasing the fees. This proposal will create an additional increase in the General Fund by \$250,000 effective the first of the year and \$500,000 for FY'88. I would urge you to support the Majority Report.

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of the Representative from Winslow, Representative Carter, that the House accept the Majority "Ought to Pass" Report. 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 29 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-302) 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 by Committee Amendment "A" (S-302) in concurrence.

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

SENATE PAPERS
Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act Related to the Members Pool in the Tri-State Lottery" (S.P. 697) (L.D. 1922) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Related to the Numbers Pool in the Tri-State Lotto" (S.P. 707) (L.D. 1931)

Signed:

Senators: KANY of Kennebec
ESTES of York

Representatives: PRIEST of Brunswick
PERRY of Mexico
MARTIN of Van Buren
JALBERT of Lisbon
PAUL of Sanford

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

Signed:

Senator: DILLENBACK of Cumberland

Representatives: MURPHY of Berwick
STEVENS of Sabattus
HARPER of Lincoln
TUPPER of Orrington

Came from the Senate with the Majority "Ought to Pass" in New Draft under New Title Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" Report.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I would urge you to vote against acceptance of the Majority Report so we could accept the Minority Report. The Tri-State Lotto was passed by the legislature in 1984. In doing so, the State of Maine entered into a compact with the states of Vermont and New Hampshire subject to certain terms and conditions. This compact was enacted to implement the operation of the Tri-State Lotto for the purpose of raising additional revenue for each of the party states. The party states was for the purpose of operating the Tri-State Lotto then established and created the Tri-State Lotto

Commission. The Commission is an interstate body serving as the common agency of the three-party states and representing them both collectively and individually in the carrying out of its powers and duties.

This Commission is composed of one member from each of the states. Each state lottery or sweepstakes commission shall appoint one of its members to serve on this Tri-State Lotto Commission. Any action taken by the Commission has to be unanimous so all three members of the Tri-State Lotto Commission had to agree with the decision of going to 6 out of 40 numbers. The power and duties of this Commission is to operate and administer the Tri-State Lotto and to promulgate rules governing the operation of the lotto. One of these rules are the manners in which they select the winning tickets and paying the prizes.

I do not believe that we, as a legislative body, should be changing those rules. It is not a good business practice and no matter what we do here in the State of Maine, it cannot go into effect. It does nothing unless all three member states change their law to read the same.

Vermont does have a bill going in but New Hampshire does not. Even if Maine and Vermont does change it, New Hampshire has got to go along with it. Some of the thinking was that it will send a message to the Lotto Commission that we are unhappy. We sit up here and listen to market analysis which proves to me that it was necessary to raise the numbers to 6 out of 40 in order for the lottery to stay viable. This market analysis proved to me that the States of New Hampshire and Vermont are sort of flat, they are leveling off, they are not gaining, and that the State of Maine, in a very short while, will be doing the same thing. They had to do something to generate interest and this is the way they chose to go. We may not agree with it but this is their decision. We have hired them as managers or appointed them as managers of the lottery and if we are not happy with the managers, you get rid of the managers, you do not change your rules.

The analysis also proved to me that when the pot is higher, more people do play and, therefore, it generates more money. I know from experience in my hometown, which is within 30 miles of the Massachusetts border, that people go over there every week and buy tickets because of the high stakes in Massachusetts. This is legal as long as they go themselves and buy the tickets.

Are we going to continue on and, if some of our people say, we don't like the color of the cards, are we going to come in and tell them to change the color? Are we going to tell them to change the TV advertising if we don't like it? I don't think that is the way to run a business.

I know when I was on municipal government and we had to hire police chiefs, fire chiefs, or town managers, once you hire these people, you let them run their department, you do not go down and run their day-to-day business. If you are not happy with the way they are running the day-to-day business, you fire them. You do the same thing in business out there in the private sector. I believe that this is the way we should approach the Tri-State Lotto.

We also heard of some of the members saying that the state was greedy -- well, I couldn't agree with them more, we are very greedy. We also were told about surplus money that the state had -- well, we do have some surplus money. I also have been hearing that the University of Maine system wants \$60 million next year and we are trying to raise money to lower property taxes and I would like to see my people have

a choice of paying for this lowering of property taxes or helping out the University of Maine system rather than a bond issue and do it because they want to do it, not because they are forced to do it through taxation.

These are the reasons why I believe we should vote down this proposal because I do not agree with doing business in that manner. If we are unhappy with the Tri-State Lotto, let's get rid of the managers and not tell them what to do in the day-to-day running of the lottery.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: The Majority Report of this bill will preserve the present odds in the Tri-State Megabucks game. The Tri-State Lotto Commission previously decided to double the odds of the megabucks game in order to increase the number of weeks between wins on jackpots and in order to increase the size of jackpots when they are won. The theory is that doubling the odds will increase ticket sales, that is what it comes down to. The odds after doubling will be \$1 million to \$3.8 million.

The commissioners' decision in the Tri-State Lottery Commission has been made without public hearing. The public reaction has been overwhelmingly against the change. The lottery recognizes that it is doing well financially but feels, and they told us so, that it is their obligation to extract the maximum amount of money they can through the megabucks game. Revenues are obviously very important but it is equally important that the public feels that it is getting a fair shake in playing the megabucks game. Doubling the odds to \$3.8 million, the public feels, is not getting a fair shake.

There have been some surveys done, you have had one survey passed out in front of you of ticket sales agents. If you look at that survey, you will find that over 80 to 90 percent were against increasing the odds of the megabucks game.

This bill sets a limit of 36 numbers. It says, you pick six numbers out of no more than 36 numbers. If you recall the history -- Maine started out with 30, then went to 36. The proposal was initially to go to 42, then backed off to go to 40. This bill says 36 and no more. It doesn't take effect unless Vermont and New Hampshire similarly vote that same limit.

I think it is important to know the Legislature has interacted with the Lottery Commission before. It is not as if we have completely left them alone and accepted whatever they have done or have fired the people who have made the decisions. We don't act that way, we obviously interact with administrative agencies. We convinced the commission to post odds of winning at the point of ticket sales. There was a bill introduced to do that, we convinced them to do it without the necessity of a bill. We convinced the commission it was not a good idea to have Delaware join the Tri-State megabucks simply because Delaware was too far away.

This bill, too, is another method of convincing the commission. I think it will be important and it represents the will of the overwhelming number of your constituents. The lottery is in good shape, it is making a lot of money for all three states and there is no need to increase the odds from \$1 million to \$3.8 million. I urge you to support the bill.

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

Representative STROUT: Mr. Speaker and Members of the House: I speak tonight in favor of this L.D. and I will tell you why. The people in my district

are saying that they don't want the numbers changed. I could care less what the commission is saying to the good lady from Berwick, I am here representing the people in District 114. I think it would be bad business practice, at this time, to change the numbers from 36 to 40. I think you would go the opposite of what the gentlelady from Berwick is saying. Instead of increasing the revenue, I think you are going to have a loss in sales.

I believe that this legislature has the right to send a message to those commission members from the State of Maine telling them that we want to keep the numbers at 36 and we don't want to increase them to 40. I believe that we have that right. I am speaking tonight in favor and I shall support the bill.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Harper.

Representative HARPER: Mr. Speaker, Ladies and Gentlemen of the House: I would respectfully urge a no vote on the motion which is before us. History would show that both the agents and the lottery players responded negatively with apprehension and with great anxiety when the Lottery Commission changed the rules from six out of 30 to six out of 36 for the winners. I think there is always a certain amount of anxiety connected with any change, that is part of human nature.

We are again experiencing this fear as we approach another change which has already been unanimously approved. I repeat that, it has already been unanimously approved by the Commission, a change to take place in early January, a change to pick six out of 40 for the winner. Well, I am not exactly a gambling lady, but if I were, I would place my money on a sure bet. The track record of the Tri-State Lottery Commission has been a winner all the way. It has been a spectacular success. They have done careful research, they have done careful analysis, they unanimously agree that it is time for a change if the lottery is to continue to be a success. I am going to place my bet on a sure winner. I will support the decisions of the Lottery Commission. I have every confidence in their expertise and I would urge you to vote no on the motion which is before us.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this bill. I was glad to cosponsor the bill because of the immense amount of adverse reaction we had to the proposal. We had hearings upstairs and we heard all the experts speak. It has been my experience in the past that when you want an answer, you get the question worded just right. They made a survey that went out and it said, do you people want higher stakes? Well, they knew what the answer would be -- anybody would be a fool if they didn't want higher stakes. But they never went out and told the people, do you wish to have higher stakes and worse odds? They never asked them that.

The Lottery Commission was created by the Legislature. The Tri-State Compact was created by the Legislature. The Attorney General's opinion is that we may change it if it is unanimous with the three states. We changed one of the rules of the Tri-State Compact when we started to tax the income from the winnings.

I say at this time -- we represent the people and I represent the people of my district -- it will be counterproductive if you turn around and say to the people who spend one or two dollars a week who feel they may have a chance to win \$1 or \$2 million, why

don't you wait once every four weeks and maybe you will win \$14 million or \$15 million?

I don't think they understand the people of Maine because this was established way back when many people were opposed to it but they were told that this would be run fair and that the average person would be able to play this. What they want to do now is they want to completely ignore the average person who spends one or two dollars a week and say, look, we are going after the big money.

They showed us some charts and every time it goes up to one or two million, the charts go way up on sales. I know what will happen, everybody will wait until it gets up to \$7 million, then they will buy probably \$20 or \$30 worth and when somebody wins the \$7 or \$8 million, they are going to go down to nothing. This was made for the benefit of the people of the State of Maine so the average worker could spend one or two dollars a week and have that wonderful hope that they have, that someday they will be a millionaire.

I think what they are completely ignoring is that, when you are in business and you want to come up with a new proposal, you first find out what will be the reaction of the people that you are going to deal with. They say now that the Lottery Commission should be able to do what they were running for. They did, twice, as the good Representative from Brunswick said, and we had to remind them they had to change things. Number one, it was through the prodding of the legislature that they put the odds on the tickets. The next thing we finally forced them to do on the advertising was to say that there was not a million dollar prize but a million dollar annuity. Many people thought they were winning a million dollars -- they were not winning a million dollars, they were winning an annuity which was probably \$600,000 -- in 20 years, you would get a million dollars.

At this time, I say it is within the prerogative of this legislature to say to the Lottery Commission, you are completely forgetting that the people out there are the ones that are telling you what to do. I would ask that this be passed and put on so that we would send a message to the Tri-State Compact that we should do something about it.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I realize I am by far in the minority in this body in regard to this matter because I am totally opposed to a lottery, period. Had I been here, I would have voted against it. If I had an opportunity and that were one of the alternatives, I would vote against it now. I do not believe that the state has any business encouraging gambling. I also find it to be the most regressive form of taxation we have yet developed. That puts me in a very difficult position on this bill and I guess I am speaking mostly to salve my own conscience and partly for those few people out there who may agree with me on this issue.

I could walk, and there are those who would suggest that that perhaps that would be the wise thing to do but I don't believe in that, I haven't yet. I have had to choose between poor alternatives any number of times and I had to tonight in regards to workers' compensation, I am sure I will have to many times again. I end up deciding to vote for this bill on the theory that this does at least keep the stakes to a minimum -- that is to say, let's not make it any worse than it already is.

For those few of you out there who agree with me about the existence of a lottery, I would encourage your support for this bill as the better of the two alternatives.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Hickey.

Representative HICKEY: Mr. Speaker, Men and Women of the House: I would ask Representative Priest of Brunswick a question.

Representative Priest, have we any assurance that if we turn this down that New Hampshire and Vermont might pass it and go on their own?

The SPEAKER: Representative Hickey of Augusta has posed a question through the Chair to the Representative from Brunswick, Representative Priest, who may respond if he so desires.

The Chair recognizes that Representative.

Representative PRIEST: Mr. Speaker, Men and Women of the House: If you mean, if we fail to pass this, would New Hampshire and Vermont go on their own? Obviously, that is up to their legislatures. The act would not be effective unless all three of the compact members adopted the act because by the terms of the act it requires unanimity among all three members. Vermont is going to consider this question. We had testimony from the legislator from Vermont who is going to introduce the bill as soon as they meet in January. New Hampshire, I think, is going to wait and see what Vermont and Maine does on this matter.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, I would request a roll call.

The SPEAKER: A roll call is requested.

The Chair recognizes the Representative from Sabattus, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: If we pass this bill, will it be passed in time to stop those numbers from going to 40?

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

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: Obviously for the Tri-State Committee to be forced to rescind their action, all three states have to act. I am fairly convinced, however, that if this state were to adopt an official policy that we should not go beyond 1 to 36, that this action would weigh heavily with the commission if Vermont were likely to take similar action.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just speak for a moment on polls. It is true, they did take a poll and the question that was repeated was what was asked. There were some other polls taken and it was through the agents that they wrote them and asked them if they would question the people out there how they felt on this increase. The question that was put to them was, "Do you want your odds increased?" Well, who is going to say "yes" to that? I wouldn't if somebody said that to me. They have no knowledge of what is going on, they have no knowledge that the Tri-State Lottery is becoming stagnant.

I believe that those market analyses that they did and spent a lot of money for are true. That is my personal firm belief.

The commission has already spent money on designing tickets and on marketing this bill. It goes into effect on January 9, 1988, no matter what

we do here tonight. It goes 6 to 40 numbers and there is no way that we can change it. We cannot change it with emergency legislation. The three members of that compact, that commission, have unanimously voted that in. The New Hampshire House and Vermont House are not even going into session until January so there is no way that we can stop this at this point, it is going in. The only way to stop it after that is, as has been said, the three states would send a message, and that is all it is, just a message, to that compact because the compact does not have to do it.

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, Men and Women of the House: I have listened to the debate and I have followed that back and forth and if there is any member of this chamber with a history of not being a friend or having friendly relations with a commission, it would be with the Maine Lottery Commission over the last few years. Through the debate, I think a couple of simple facts have emerged -- that the reason the compact was formed and the reason we have a Tri-State Compact is that we are competing with Massachusetts and because of their greater population draw has a higher pot and the higher that pot goes, the greater the play. I think the commission has made a very good case of pointing out that when that pot is rolled over a second week, a third week, it increases and more players are drawn in or those that are playing are buying more tickets. That is a fact and we can't escape that fact.

I guess the other fact is, what role will that commission play? Will that commission go along now and no longer make decisions in terms of the color of the cards? When it is time to look at advertising contracts, will this chamber review those advertising contracts or will we leave that to the commission? We are taking a basic law and we are amending it in terms of odds. How far are we going to expand our role in terms of the policy making role of that commission? I think that if we do take this step, there will be other steps, it could be the color of the cards, the advertising contracts, where the machines will be located and it may be that possibly people in this chamber could be recruited to go out and repair the machines as well.

I would urge that we follow the lead of Representative Murphy of Berwick and follow her light.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I was one of the original cosponsors of the bill that allowed us to get into the Tri-State Lottery. The thing that bothers me and I don't want to get involved in deciding ticket colors, who is going to sell or who isn't, because that was left up to the former Lottery Commissioners and it was done in a very, very poor manner. I guess if you were big, you got taken care of and if you were little, you got the shaft. The thing that bothers me is that there were two conditions that I would cosponsor the bill for the Tri-State Lottery --

one would be that, for once, we would not put a state income tax on it. They said, we are going to oppose that, we don't want it and sure enough, the Taxation Committee, in all their wisdom, did it. That upset some people because all along I figured we would at least leave them alone with their winnings there.

The other thing that bothered me is, I asked this question specifically when we met and first discussed it, how long it would be before you would start jacking up the numbers? We are not going to do it. We are not going to do that, we determined that this many numbers will take care of it, 30 numbers is enough, the whole ball of wax. Well, the first thing you know they found out that 30 numbers wasn't good enough and they went to 36. I didn't like that. I don't like it when somebody doesn't tell me the truth. I said, they looked at it and the reason they are doing it, I guess, is a sound reason. Then lo and behold, I read the paper one morning and they are going to go to 40. They told me they weren't going to do this. That is one of the reasons that Senator Usher and I sponsored the bill and worked the bill through and worked with the committee to come out with a good bill because they told us they wouldn't do this.

The people in my district, I guess whom I am elected to represent, told me that they are going to play no matter how many numbers there are because obviously, if you have a chance for a big pot, you are going to go for it, you would be crazy not to.

My philosophy was I would just soon see 10 people win a million dollars apiece as one person win \$10 million.

I think if you look back in history, you have 10 winners at a million, you can make 10 peoples lives better, but the guy that wins the \$10 million or most of them, their lives have gone down the crapper -- every time. They have done a study on some of these big states and the people who have won big money usually end up broke in a very short period of time, they get shystered, they get snookered and everything else. A million dollar pot or a million and a half dollar pot, people can handle that. That has been my philosophy, that is why I sponsored the bill. I don't like being lied to and I don't care what color their cards are or where they sell the tickets as long as they keep their word on what they are going to do. There is such a thing as killing the goose that laid the golden egg and I think these three commissioners have gotten a little greedy and it may turn around and bite them later on, that is why I am going to support the Committee's Majority Report.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Priest of Brunswick that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 180

YEA - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Bickford, Bost, Bott, Boutilier, Bragg, Carroll, Carter, Cashman, Chonko, Clark, H.; Coles, Conley, Cote, Crowley, Daggett, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hepburn, Higgins, Hogleund, Holloway, Holt, Hussey, Jackson, Jacques, Jalbert, Kilkelly, LaPointe, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Perry, Pouliot, Priest,

Racine, Rand, Rice, Richard, Ridley, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Simpson, Small, Smith, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Thistle, Tracy, Vose, Walker, Warren, Wentworth, Willey, Zirnkilton, The Speaker.

NAY - Begley, Callahan, Curran, Davis, Dellert, Garland, Glidden, Harper, Hichborn, Hickey, Joseph, Lawrence, McPherson, Murphy, E.; Murphy, T.; Nicholson, Paradis, E.; Pines, Reed, Sherburne, Stanley, Stevens, A.; Strout, B.; Taylor, Tupper, Webster, M.; Weymouth, Whitcomb.

ABSENT - Brown, Clark, M.; Hillock, Ketover, Kimball, Lacroix, Lebowitz, Mayo, Reeves, Rolde, Stevenson.

Yes, 112; No, 28; Absent, 11; Paired, 0; Excused, 0.

112 having voted in the affirmative and 28 in the negative with 11 being absent, the Majority "Ought to Pass" Report was accepted, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time and passed to be engrossed in 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. 14 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Relating to Out-of-court Statements made by Minors (H.P. 1383) (L.D. 1885) (C. "A" H-429)

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. 8 was taken up out of order by unanimous consent:

SENATE PAPERS

Divided Report

Majority Report of the Committee on Banking and Insurance on 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) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 699) (L.D. 1924)

Signed:

Senators: THERIAULT of Aroostook
BUSTIN of Kennebec
COLLINS of Aroostook
Representatives: WEBSTER of Cape Elizabeth
RYDELL of Brunswick
BOTT of Orono
ERWIN of Rumford
CURRAN of Westbrook
CLARK of Millinocket
GARLAND of Bangor

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

Signed:

Representatives: SIMPSON of Casco
TARDY of Palmyra
TRACY of Rome

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

Reports were read.

On motion of Representative Rydell of Brunswick, the House accepted the Majority "Ought to Pass" Report, the New Draft read once.

Under suspension of the rules, the New Draft was read a second time and passed to be engrossed in concurrence.

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

(Off Record Remarks)

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

PASSED TO BE ENGROSSED

As Amended

RESOLVE, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System (S.P. 701) (L.D. 1926)

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

Representative Diamond of Bangor offered House Amendment "A" (H-433) and moved its adoption.

House Amendment "A" (H-433) was read by the Clerk and adopted.

Subsequently, the Resolve was passed to be engrossed as amended by House Amendment "A" (H-433) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

PASSED TO BE ENGROSSED

As Amended

RESOLVE, to Extend the Interim Reporting Deadline of the Maine Commission to Review Overcrowding at the Augusta Mental Health Institute and the Bangor Mental Health Institute (S.P. 702) (L.D. 1927)

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

Representative Diamond of Bangor offered House Amendment "A" (H-434) and moved its adoption.

House Amendment "A" (H-434) was read by the Clerk and adopted.

Subsequently, the Resolve was passed to be engrossed as amended by House Amendment "A" (H-434) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Motor Vehicle Financial Responsibility Law (H.P. 1418) (L.D. 1923)

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.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning the Commission to Implement the Computerization of Criminal History Record Information (S.P. 695) (L.D. 1920)

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.

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. 20 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Revise the Procedure by which Insurance Rates are Established under the Maine Workers' Compensation Act" (Emergency) (S.P. 704) (L.D. 1929)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "B" S-307.

(The Committee on Reference of Bills had suggested reference to the Committee on Banking and Insurance.)

Under suspension of the rules and without reference to a Committee, the bill was read once.

Senate Amendment "B" (S-307) was read by the Clerk and adopted.

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

The SPEAKER: The Chair would make note of the fact that we have had two bills, one of them was the original labor report from the Committee on Labor, which we then had a roll call on. The second was the bill which came from Banking and Insurance and that went under the hammer -- those two bills have, at this time, now been held by the Speaker until tomorrow and then they will be reconsidered and both of them will be killed. Both bills have been married together in the Senate and they are now one package and that is what will be engrossed tonight. Tomorrow morning we will then be enacting on one package and the other two will be disposed of at that time.

The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, there is still a little confusion in this Representative's mind that the two bills we had voted on earlier and had debates on and extensive roll calls that that Banking and Insurance bill, which went under the hammer, is not the Banking and Insurance bill which is before us right now. It is my understanding that that bill which is before us contains those same provisions of the bill that went under the hammer here and would like to have an explanation as to why that earlier bill is now before us.

Subsequently, the Bill was passed to be engrossed as amended by Senate Amendment "B" (S-307) in concurrence.

(Off Record Remarks)

On motion of Representative Michaud of East Millinocket,
Adjourned until Friday, November 20, 1987, at ten o'clock in the morning.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
SECOND SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber,
Thursday
November 19, 1987
Senate called to Order by the President.

Prayer by the Honorable Beverly Miner Bustin of Kennebec.

SENATOR BUSTIN: This is a saying from Max Eastman. "A simple experiment will distinguish two types of human nature. Gather a throng of people and pour them into a fairy boat. By the time the boat swings into the river you will find that a certain proportion have taken the trouble to climb upstairs in order to be out on deck and see what is to be seen as they cross over. The rest have settled indoors to think what they will do upon reaching the other side, or perhaps lose themselves in apathy or tobacco smoke. But leaving out apathetic or addicted to a single enjoyment, we may divide all the alert passengers on the boat into two classes; those who are interested in crossing the river, and those who are merely interested in getting across."

Let us pray. Lord make me an instrument of Thy peace where there is hatred. Let me so love where there is injury. Pardon where there is doubt. Where there is despair, hope. Where there is darkness, light and where there is sadness, joy. Oh divine Master, grant that I may not so much seek to be consoled as to console. To be understood as to understand. To be loved as to love. For it is in giving that we receive. It is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. Amen.

Reading of the Journal of Wednesday, October 21, 1987.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 696

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

October 21, 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 21, 1987 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "AN ACT Concerning the Commission to Implement the Computerization of Criminal History Record Information" (Emergency) (S.P. 695)(L.D. 1920)(Presented by Senator BRANNIGAN of Cumberland)(Cosponsored by: Representative PARADIS of Augusta, Senator SEWALL of Lincoln) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 26).

Sincerely,