

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME VII**

#### **SECOND REGULAR SESSION**

Senate

March 10, 1992 to March 31, 1992

Index

#### **SECOND CONFIRMATION SESSION**

May 20, 1992

Index

#### **THIRD CONFIRMATION SESSION**

August 19, 1992

Index

#### **THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

Index

#### **FOURTH SPECIAL SESSION**

October 16, 1992

Index

#### **FOURTH CONFIRMATION SESSION**

November 19, 1992

Index

#### **HOUSE AND SENATE LEGISLATIVE SENTIMENTS**

December 5, 1990 to December 1, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE  
THIRD SPECIAL SESSION  
4th Legislative Day  
Monday, October 5, 1992

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

Prayer by the Honorable Herbert C. Adams, Portland.

Pledge of Allegiance.

The Journal of Saturday, October 3, 1992, was read and approved.

(At Ease)

The House was called to order by the Speaker.

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

**SENATE PAPER**

**Non-Concurrent Matter**

Bill "An Act to Reform the Workers' Compensation Act and Workers' Compensation Insurance Laws" (EMERGENCY) (H.P. 1783) (L.D. 2464) which was passed to be engrossed as amended by House Amendments "B" (H-1339) and "C" (H-1340) as amended by House Amendments "E" (H-1350) and "H" (H-1356) thereto in the House on October 3, 1992.

Came from the Senate passed to be engrossed as amended by Senate Amendment "D" (S-801) in non-concurrence.

Representative Erwin of Rumford moved that the House recede.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I hope that the House will not recede at this point in time. I hope the House will see fit to recede and concur with the action of the other body which will place before this body a chance to vote on the bill as amended by the Blue Ribbon Commission Report. The easiest way for us to do that is to defeat the pending motion and I urge the House to do that.

We have all been involved in this matter for quite some period of time. I think the purpose of the Representative from Rumford is to present a slightly different version of a matter which has been discussed at great length both by this House and by the Blue Ribbon Commission. I can only urge the House at this time that the easiest thing for us to do is recede and concur to the wisdom given to us by the other body.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Members of the House: I urge the members of the House to vote to recede so that I may present an amendment.

Representative Macomber of South Portland

requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Erwin of Rumford that the House recede. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 479

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Duffy, Dutremble, L.; Erwin, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heesch, Hichens, Hoglund, Holt, Hussey, Jalbert, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Lerman, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichborn, Kutasi, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Melendy, Merrill, Michaud, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Clark, M.; Dore, Farnsworth, Jacques, McKeen, Paul, Rand.

Yes, 88; No, 55; Absent, 7; Vacant, 1; Paired, 0; Excused, 0.

88 having voted in the affirmative and 55 in the negative with 7 being absent and 1 vacant, the motion did prevail.

Representative Erwin of Rumford offered House Amendment "P" (H-1369) and moved its adoption.

House Amendment "P" (H-1369) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Men and Women of the House: On October 2nd, I offered House Amendment "B" and this House Amendment "P" adds further clarification to that amendment. The Statement of Fact says, "This amendment ensures that a United States Veteran who has served in the Armed Forces of the United States during any federally recognized period of war or conflict and who has a service-connected disability is not penalized under the Maine Workers' Compensation Act of 1992 by that service-connected disability." It eliminates from the measure of disability any disability resulting from a service-connected condition. We haven't had a

declared war since World War II but have had many conflicts such as Korea, Vietnam, Desert Storm and many others. Three days ago, this House voted 84 to 58 for House Amendment "B" and I urge your continued support for this amendment.

Mr. Speaker, I request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: The good Representative from Rumford reminded this body that we have seen this amendment before, that this amendment, following the various votes in the two bodies, has gone to the Blue Ribbon Commission, as did all the other amendments that were adopted in the two bodies. The Blue Ribbon Commission looked at the substance of this amendment as they had looked at it before and concluded that that is not a part of what they felt should be the package for legislative consideration at this time.

What it really boils down to, as it has in previous votes, is whether we are willing to accept the work of an outside commission, a bipartisan commission of two Republicans and two Democrats, to tackle a problem that we have yet to reach any agreement on either between the parties in this body or between the two bodies.

I am sure that those of you who have had a chance to go home and talk to your friends and neighbors as I did today, the people of Maine are really waiting for the results of our work. It was interesting for me to hear from the people who are affected by this piece of legislation, the support they have for an outside group's report. I think it is practically unprecedented to have such an overwhelming amount of support for an item that has been before the legislature.

We were called into session to address the subject on the 1st. We labored through the 2nd, into the night of the 3rd and now it is the night of the 5th day of October. This amendment before us is like many others and I suppose there could be even more considered if that is the will of some.

The Blue Ribbon Commission has asked us to put a stop to the process of continually tinkering with the report and to vote up or down. If you read the intent of the legislation that we passed last spring, that was what we said we would do.

A vote on this amendment or any other amendment is a vote as to whether we want the report of the Blue Ribbon Commission to be passed with its flaws (and there probably are many) and presented for the people of Maine so they can get on with their lives in their workplace of both those who employ people and those who work. We will again vote for what is obviously a very popular special interest but it is time we began to resist the attempts of those who simply want to keep whittling away, chipping away as my seatmate suggests, at a report that was reached in bipartisan fashion, a manner that we could not reach.

I urge rejection of this amendment simply for the fact that it takes us a step backwards in a process

of eventually having a piece of legislation available for the people of Maine so they can continue on with their lives.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I have sat here during House Amendment "B" and now during the debate on House Amendment "P" and suggested that this amendment is in some way to help protect our veterans from being penalized by the Workers' Comp bill — the term penalized is used here rather loosely. I have heard it used, not only in the Statement of Fact here, but by Representative Erwin on the floor tonight. Penalized implies that someone is more poorly treated or treated worse by the Blue Ribbon Commission's bill than the regular normal typical person under the bill. My concern is that just the opposite would occur, that by giving this generous benefit, by treating the veteran in a different way than you would be treating other people in a more generous way than you would be treating other people under the bill, that that veteran is going to perhaps suffer in some marginal cases against employment in the hiring practices exercised by some businesses that some of the members of this body have expressed concern about in the past.

I would ask (through the Chair) Representative Erwin how she comes by the term penalized and what exactly she means by it?

The SPEAKER: Representative Bennett of Norway has posed a question through the Chair to Representative Erwin of Rumford who may respond if she so desires.

The Chair recognizes that Representative.

Representative ERWIN: Mr. Speaker, I am sorry, I didn't hear the question.

The SPEAKER: The Chair would ask Representative Bennett of Norway to restate his question.

The Chair recognizes that Representative.

Representative BENNETT: Mr. Speaker, Men and Women of the House: My question is, how the Representative from Rumford comes by the term penalized in her remarks and in the Statement of Fact on this amendment? How is a person suffering from a service-connected condition penalized under the Workers' Compensation bill?

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: To respond to that question, the law, as drafted, requires a much higher standard of proof if the injured person has any type of preexisting condition. It is unfair because clearly any veteran with a service-connected disability will have a preexisting condition.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, I would like to pose a question through the Chair to Representative Bennett of Norway. My question is, in your statement, why would this body want to treat the veterans more generously or treat them worse like we treat everybody else by the bill, I don't understand that part at all and I wish he would clear that up.

The SPEAKER: Representative Pineau of Jay has posed a question through the Chair to Representative Bennett of Norway who may respond if he so desires.

The Chair recognizes that Representative.

Representative BENNETT: Mr. Speaker, Friends and

Colleagues of the House: I believe that this amendment as drafted encourages a policy of discrimination by potentially treating people with service-connected conditions in a more generous fashion than the typical person with a previous condition.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: To use the expression of a leader of ten or twelve years ago of the opposition party, "Here we go again." As the good gentleman from Waldo said, we are taking a popular stand. I don't realize and I wasn't aware that the Korean War or Vietnam War was a popular stand in this country. Those young men and women stepped off the plane after the Vietnam War and they were spat on. When I came out of World War II, we weren't spat on, but there was a lot of resentment that many men were coming back and asking for their old job back.

Mark my words, this has nothing to do with the veterans per se. This is one way that started way back in the Reagan days, let's get this group and that group and break it down. First Reagan went after the fellows that take care of the planes as they come in, he broke that union. Mark my words, if this puts the veterans back on their feet and takes them out of the way, the next thing you know, any woman who works and gets hurt in the workplace, they will come back and say five years ago, you had a miscarriage; therefore we must deduct certain benefits.

This is a subterfuge to try to take the benefits away from the workers. Many of you people are much younger than I am, but I remember the days of Herbert Hoover where the working man was nothing but dirt. I know of instances — at least one good friend of the family who lost an arm in the rumble mill in Lisbon Falls ended up with \$500 and a food basket. That is the way things were worked. They are trying to take the working man and put him under their thumb. This is just one little part of it. This has nothing to do with the veterans.

Furthermore, they keep talking about World War II and all of that, I am the youngest group that came out of World War II and I am sure as heck will not take anything out of Workers' Comp because I am beyond working.

Let's talk about the Korean veterans and the Vietnam veterans and Desert Storm. What this does is, if a young man who was serving in Saudi Arabia or Kuwait should come up with some kind of disability and gets a partial compensation for it, (of which he had no control) and say he lost part of his foot and gets partial compensation, later on, that same young man or young lady should be working and should have a heart attack at work, they will say that was caused by the disability that you got in Saudi Arabia. What is any young man who has been hurt in Saudi Arabia, Vietnam or Korea got to do with your working now?

Let's not be fooled now. Mark my words, I may not be sitting in this body, but within two years, (and I think the ladies of the House should remember this) they will go back on the women in the working force and say you had a problem five years ago indirectly and you have to be cut back.

I ask again, support this amendment.

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

Representative RICHARDS: Mr. Speaker, Ladies and

Gentlemen of the House: I am a veteran myself, I served during the Vietnam war and I can only relate to that experience. I can hear the arguments of Representative Jalbert, Representative Erwin, and I listened to Representative Clark's arguments last time when he presented "B" but I am tossed between the fact that I come from a period of time where PTSD, Post Traumatic Stress Syndrome was something that was very big as a result of the Vietnam war and the type of action that was fought over there. I am tossed between the fact that you have somebody that is an amputee that walks on a job that has a bunch of other associated problems with the back that is equally a good a candidate as a person without that loss of leg and that employer knows that perhaps he is going to buy the whole injury.

One of the most important things for our Vietnam veterans coming out of that war with PTSD and other associated injuries is a job. What I am tossed between is the fact that they will be discriminated against, not directly that you are a veteran. I know the new law and you are not going to get the job. Obviously, they would have a human rights action brought against them. But as you all know in the workplace, people discriminate and call that good judgment by saving money.

PTSD is an illness that Vietnam veterans serve in all different degrees, percentages, ten percent, fifty percent, ninety percent. The fact of it is that you may have a job as a CPA, be 30 percent PTSD disabled, and because of the stress of that job during tax time, it may lead you into a relapse, a Workers' Compensation injury — you bought the whole injury. Any smart employer that knows it out there and knows what this bill potentially could do with this amendment, I fear the fact that the very thing that veterans need most, a job, they will lose.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I regret that I will be opposing this amendment this evening. I did vote for it Saturday. I have heard the discussion tonight, I find it very interesting. However, I have checked the bill, the proposed legislation before us, and have found no discernable opportunity for discrimination either for or against veterans in that bill. It quite simply says in the proposed legislation that the existence of a preexisting condition is a factor in determining whether the employment contribution is significant. However, under current case law and the proposal in the L.D., the issue to be determined is whether the employment creates an additional risk to the employee. The existence of a preexisting condition is not really part of that determination. Consequently, considering that and considering the fact that it is a federal benefit when a service-connected disability is involved and there is no off-set involved with Workers' Comp, I will be opposing this amendment.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very, very brief. I am not going to quote you any statistics, any figures or anything of that sort. I am just going to ask you to consider who you are talking about.

Representative Bennett said that perhaps no group should be treated differently than the other. I

think that is perhaps where I differ with him. I think you are talking about a group that in the 12 years that I have been here I have never had them out in the lobby twisting my arm or anything else. They have come here with some requests, very politely, very quietly have talked with some of us and I think perhaps they have been very gentlemanly about the whole thing. I just want to remind you that these are the people who made it possible for many of us to be able to stay home, be warm, well fed, and safe. I don't think they are people who should be penalized in any way.

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

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

My question is to Representative Erwin from Rumford. We have heard eloquently from Representative Macomber about who veterans are. We have heard from Representative Ruhlin that there is nothing for or against, as far as preferential treatment for veterans or others in this bill. Because we are a body that represents the people of the State of Maine my question would be, are veterans groups aware of this amendment and do veterans groups support this amendment?

The SPEAKER: Representative Joseph of Waterville has posed a question through the Chair to Representative Erwin of Rumford who may respond if she so desires.

The Chair recognizes that Representative.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased to respond to that question and I am glad it was asked.

Last night, we had a large meeting of Legionnaires in Rumford and they all, unanimously, favor this. And, in addition to that, the Veterans' Coordinating Committee, which is a committee that has membership from the American Legion, the Veterans of Foreign War, the Disabled Veterans and others, unanimously endorse this amendment. I just want you to know that they do favor it. I know that there are words going around that perhaps the veterans didn't know anything about this, they certainly do.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Men and Women of the House: I want to remind the body that we are not here to take marching orders from the Blue Ribbon Commission. We each took an oath of office to use our own best judgment in the service of our constituents and no pledge ever relieves any of us of the burden of doing no harm. If we cannot do good, and I don't see how with this bill we can do good, we must at the very least do no harm. This amendment prevents harm being done to veterans. I am very happy to support Representative Erwin from Rumford on this amendment.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am very proud that the State of Maine is one of the few states in the country who have so much respect for their veterans. We are one of the few states that has established a veterans cemetery, which is located right here in Augusta. We have, at present, three veterans' nursing homes and they are now negotiating to build two more. We have said to the veterans, we do recognize your position. We didn't do like other

states that in 1946 said, we will give you a \$200 bonus. I am not complaining because when I came out of the service a grateful nation said, you have served your country well, we will now give you an education and for that I shall be eternally grateful.

Let us now not turn around and because of expediency and because some actuary or some Blue Ribbon Commission said — I repeat what I said yesterday, if the Blue Ribbon Commission did such a great job, came out with such a great document, the Lord could have done a lot if He had the Blue Ribbon Commission on His side. That is all I have heard for two days, I think I will do away with the Bible and turn to the Blue Ribbon Commission to give me the answer I need.

We have a small group here, men and women who have done their duty and have served their country, some never came back, there are widows out there, we even talked about men who have not come back and who have not been accounted for in Vietnam — are we now to say to these people, we will turn around and punch the computer and say I am sorry that because you are getting so much when you lost a foot in Vietnam, now that you had a heart attack while working or fell off the staging, we will cut you back. If we are at that stage in the State of Maine and the insurance companies are so worried that we have to take it away from the veterans, it is a sad state of affairs. If the next war comes along, (I hope we never get one) you will have more and more young men and women who will refuse to serve. If this is the way we are going to treat them, I think we are in bad shape.

I would ask again, let your conscience guide you, what duty do we owe? I am serving here as the Representative from my town at a time when I wonder if it is worth it but I feel the good Lord gave me the ability to serve and I have a duty to serve. We have a duty to live up to our responsibility to our young men and young women who decided this country was worth fighting for.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I think I am a bit offended to hear Representative Jalbert in his discussion. Because I voted no does not mean that I do not support my veterans. As a matter of fact, the reason I am voting no is because I think it is time that we compromised. I think it is time that we passed this piece of legislation. Workers' Comp continues to come before us time and time again and is always pulling in two different directions. Well, I am concerned about those veterans that will come back whether they are handicapped or not handicapped and there will be no jobs waiting for them because there are many businesses in this state that are desperate for this bill.

I urge you to think about it and we will come back later in January or February and address this problem of the veterans but right now, let's pass this bill.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In the L.D. on Page 26, Part 4 of Section 201 explains what preexisting conditions, "If a work-related injury aggravated or accelerates or combined with a preexisting physical condition or resulting disability is compensable only if contributed by the employment in a significant

manner." That means, if you have a preexisting injury or disability, if during the course of your work you have another injury, then they have to consider what is significant in the combination and who is going to make that determination? It is the IME who is the God Almighty, who is more than likely (in my opinion) be a doctor who has no practice, can't function, cannot be depended upon but he is going to be hired as an IME. He or she is the one that is going to determine if there is enough significant portion of that injury is related to work. If it is not significant, they won't pay it under Workers' Compensation. That is what it says to me.

I believe Representative Erwin's amendment is a good amendment. I don't intend to support the bill and everyone knows that but anything to make this bill a better bill, I will support.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to speak today but I was asked if I wanted to speak on this subject and I refused.

I happen to be a veteran of World War II and every day you look around your neighborhood, there's less of us. It may be a good thing, I don't know, but I want to tell you, Representative Jalbert and other people, I became a veteran to make a level playing field for the people in this world. This debate tonight is almost disgusting.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "P" (H-1369). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 480

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Cote, DiPietro, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Hale, Handy, Heeschen, Hichborn, Hogle, Holt, Hussey, Jalbert, Joseph, Kerr, Ketterer, Kilkelly, Lemke, Lerman, Luther, Macomber, Mahany, Manning, Martin, H.; McHenry, McKeen, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, O'Dea, Oliver, Paradis, J.; Paradis, P.; Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Townsend, Tracy, Treat, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Coles, Constantine, Crowley, Daggett, Donnelly, Dore, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hepburn, Hichens, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Melendy, Merrill, Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Ott, Parent, Pendexter, Pendleton, Pfeiffer, Pines, Reed, G.; Reed, W.; Richards, Ruhlin, Salisbury, Savage, Simonds, Small, Spear, Stevens, A.; Stevenson, Tardy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Clark, M.; Jacques, Paul.

Yes, 75; No, 72; Absent, 3; Vacant, 1; Paired, 0; Excused, 0.

75 having voted in the affirmative and 72 in the negative with 3 being absent and 1 vacant, the motion

did prevail.

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

Representative Whitcomb requested a roll call on engrossment.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby House Amendment "B" (H-1339) was adopted.

The same Representative moved that House Amendment "B" (H-1339) be indefinitely postponed.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is now in conflict with the amendment that the House just put on and I would urge the members to indefinitely postpone this amendment at this time.

Subsequently, on motion of Representative Gwadosky of Fairfield, House Amendment "B" (H-1339) was indefinitely postponed.

On motion of Representative Gwadosky of Fairfield the House reconsidered its action whereby it voted to adopt House Amendment "C" (H-1340) as amended by House Amendments "E" (H-1350) & "H" (H-1356) thereto.

On further motion of the same Representative, the House reconsidered its action whereby House Amendments "E" (H-1350) to House Amendment "C" (H-1340) was adopted.

On further motion of the same Representative, House Amendment "E" (H-1350) to House Amendment "C" (H-1340) was indefinitely postponed.

On further motion of the same Representative, the House reconsidered its action whereby House Amendment "H" (H-1356) to House Amendment "C" (H-1340) was adopted.

On further motion of the same Representative, House Amendment "H" (H-1356) to House Amendment "C" (H-1340) was indefinitely postponed.

The same Representative moved that House Amendment "C" (H-1340) be indefinitely postponed.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "D" that is currently on the bill encompasses the provisions that were in "C" as amended by "E" and "H" and I would encourage you to vote to indefinitely postpone "C" as amended by "E" and "H."

Representative Michaud of East Millinocket requested a roll call.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

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

Does Senate Amendment "D" now on the bill have a provision in it for the Labor/Management Board of Directors to study the legal side, the access to a legal counsel for injured workers if this bill does become enacted?

The SPEAKER: The Representative from Jay, Representative Pineau, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to that, the answer of course is no. We discussed that in caucus, there is a difference between "D" and

obviously the previous "C" as amended by "E" and "H." Certainly if it is the will of this body to keep this House Amendment "C" as amended by "E" and "H" on the bill, it is my understanding as I look at the bill, it is going to be in conflict with "D" that doesn't mean that we can't still pass it and send it back to the other body and see what happens. If that is the mood of this chamber to in fact send this bill back to the other body in the state of non-concurrence, then I would suggest we vote against the motion to indefinitely postpone.

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 Fairfield, Representative Gwadosky, that House Amendment "C" (H-1340) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 481

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Gean, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hepburn, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Manning, Marsano, Marsh, Martin, H.; Melendy, Merrill, Michael, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Ott, Paradis, P.; Parent, Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Ruhlman, Salisbury, Savage, Sheltra, Simonds, Skoglund, Small, Spear, Stevenson, Strout, Tammaro, Tardy, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Cahill, M.; Chonko, Clark, H.; Duffy, Erwin, Farnsworth, Goodridge, Gurney, Hale, Handy, Heeschen, Hichborn, Hichens, Hoglund, Holt, Hussey, Jalbert, Lerman, Luther, Macomber, Mahany, McHenry, McKeen, Michaud, Mitchell, J.; O'Dea, Oliver, Paradis, J.; Pineau, Powers, Rand, Richardson, Rotondi, Rydell, Saint Onge, Simpson, Stevens, A.; Stevens, P.; Swazey, Townsend, Tracy, Treat, Wentworth.

ABSENT - Clark, M.; Jacques, Paul, The Speaker.  
Yes, 102; No, 44; Absent, 4; Vacant, 1;  
Paired, 0; Excused, 0.

102 having voted in the affirmative and 44 in the negative with 4 being absent and 1 vacant, the motion did prevail.

Subsequently, House Amendment "D" (S-801) was read by the Clerk and adopted.

The SPEAKER: The pending question before the House is passage to be engrossed as amended by Senate Amendment "D" (S-801) and House Amendment "P" (H-1369) thereto in non-concurrence.

Representative Whitcomb of Waldo requested a roll call.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed as amended by Senate Amendment "D" (S-801) and House Amendment "P" (H-1369) in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 482

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Carroll, D.; Cashman, Cathcart, Coles, Constantine, Cote, Daggett, DiPietro, Dore, Duffy, Erwin, Gean, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Holt, Jalbert, Joseph, Kerr, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Macomber, Manning, Martin, H.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Gara, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Richardson, Ricker, Rotondi, Ruhlman, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Strout, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Cahill, M.; Carleton, Carroll, J.; Chonko, Clark, H.; Crowley, Donnelly, Duplessis, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hoglund, Hussey, Ketterer, Kutasi, Lebowitz, Lerman, Libby, Lipman, Look, Lord, Luther, MacBride, Mahany, Marsano, Marsh, McHenry, McKeen, Merrill, Michaud, Murphy, Nash, Norton, O'Dea, Oliver, Ott, Parent, Pendexter, Pendleton, Pines, Powers, Rand, Reed, G.; Reed, W.; Richards, Rydell, Salisbury, Savage, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Swazey, Tupper, Whitcomb.

ABSENT - Clark, M.; Jacques, Paul, The Speaker.  
Yes, 68; No, 78; Absent, 4; Vacant, 1;  
Paired, 0; Excused, 0.

68 having voted in the affirmative and 78 in the negative with 4 being absent and 1 vacant, the motion did not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Reform the Workers' Compensation Act and Workers' Compensation Insurance Laws" (EMERGENCY) (H.P. 1783) (L.D. 2464) which failed of passage to be engrossed as amended by House Amendment "P" (H-1369) and Senate Amendment "D" (S-801) in the House on October 5, 1992.

Came from the Senate with that Body having