

MAINE STATE LEGISLATURE

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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

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

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, Ruhlin, 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, Ruhlin, 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

insisted on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "D" (S-801) in non-concurrence.

Representative Whitcomb of Waldo moved that the House recede and concur.

Representative Macomber of South Portland 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 Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, a parliamentary inquiry?

If we vote to recede and concur, in essence what this body will be doing will be voting against the veterans bill that this body adopted earlier? Is that correct?

The SPEAKER: The Chair would answer in the affirmative.

Representative MICHAUD: Thank you Mr. Speaker.

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

Representative GWADOSKY: Mr. Speaker, a point of parliamentary inquiry?

As I understand the rules, if the House votes to Adhere at this point, the bill is dead? If the motion to recede and concur was defeated, then a motion to Adhere was made, would that in fact kill the bill between the two bodies?

The SPEAKER: The Chair would answer in the affirmative. There are other motions available.

Representative GWADOSKY: The Representative from Fairfield understands that.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Waldo, Representative Whitcomb, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 483

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, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hepburn, Joseph, Kerr, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Manning, Marsano, Marsh, Melendy, Merrill, 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, Richardson, Ricker, Rotondi, Ruhlin, Salisbury, Savage, Simonds, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Tupper, Vigue, Waterman, Whitcomb.

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

ABSENT - Clark, M.; Jacques, Paul, Sheltra.

Yes, 99; No, 47; Absent, 4; Vacant, 1; Paired, 0; Excused, 0.

99 having voted in the affirmative and 47 in the negative with 4 being absent and 1 vacant, the motion did prevail.

By unanimous consent, ordered sent forthwith to Engrossing.

(At Ease)

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:

PASSED TO BE ENACTED

Emergency Measure

An Act to Reform the Workers' Compensation Act and Workers' Compensation Insurance Laws (H.P. 1783) (L.D. 2464) (S. "D" S-801)

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

Representative Handy of Lewiston requested a roll call.

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

Representative RAND: Mr. Speaker, Ladies and Gentlemen of the House: On this issue we can all agree on one thing, Workers' Compensation is not working for the employers and the employees in the State of Maine. Employers are staggering under the cost and some are actually going out of business because of high rates — there is absolutely no correlation to their safety records and good employees get a sneak preview of what hell is like when they become injured and find themselves being jerked around in what is not affectionately known as "the system" and also now regarded as lazy frauds, practically enemies of the state.

Add to this the fact that most legislators do not understand the Workers' Compensation Act. It is extremely involved and complicated. Add to that the fact that the Governor has threatened the political lives of anyone who doesn't vote his way on this bill. Fear among Democrats that he just might be able to make good on his threats and the unprecedented intrusion into the process by the Gannett newspapers who have been pressuring us to pass the Blue Ribbon Commission Report before they had even read it.