

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

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Index

**Senate Confirmation Session
September 16, 1977**

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(Off Record Remarks)

The President laid before the Senate:
Bill, "An Act to Revise the Maine Tort Claims Act." (Emergency) (H. P. 1680) (L. D. 1874)

Tabled — Earlier in the Day by Senator Collins of Knox

Pending — Adoption of Senate Amendment "A" (S-252) pursuant to Joint Rule 4.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would ask for the indefinite postponement of Senate Amendment "A", and speak briefly to my Motion.

The PRESIDENT Pro Tem: The Senator has the floor.

Mr. MERRILL: Mr. President and Members of the Senate: The issue before us today in regards to the Maine Tort Claims Act is precisely the same issue that we were faced with when we accepted the Committee Report, and the effect of the present posture of this Bill with the Amendment that is before us is in essence to reconsider that action. The difference in this case being that the Motion which is in effect, the Motion to reconsider is being made by one who voted not on the prevailing side.

Now the Senate previously has taken the position that State employees ought to be immune from suit in those areas where the State itself has made itself, by virtue of the Tort Claims Act, immune from suit. I think that is a commendable position, and I would just like to review so that they are fresh in everybody's minds again now that this time has passed just a few of the things about this measure.

First of all, as I pointed out earlier, this approach was recommended in a report on liability claims against State employees to the 105th Legislature, a subcommittee that was headed by David Benson and Ken MacLeod, and which Harry Richardson served on as well.

Secondly, presently in the law there are three areas of immunity for State employees. Legislative immunity, Judicial immunity, and the area of discretionary immunity, a State employee acting in a discretionary manner. Let me re-emphasize the matter, the point that I made about that distinction the other day. It is a distinction that is so troublesome that it will create a great deal of litigation in our Courts if the example at the Federal level is at all helpful. This matter has been litigated in 314 reported cases in the Federal Government, and many of these cases do not get reported because it is decided at the administrative level. The word is so troublesome and so ambiguous that Prosser, who is the recognized expert on Tort Law, says that the word discretionary is a word which really does nothing to help the Courts decide these questions, and that neither justice nor the public interest should recommend keeping this distinction alive as a distinction on which to base whether or not immunity shall be granted.

Let me finally read from a letter dated May 18, 1977 and addressed to the Joint Chairman of the Judiciary Committee, a letter from Roger Mallar on this subject, in which he says the following "there has been considerable discussion of the matter of employee immunity. As I have conveyed to each of you, it seems to me that the existing Tort Claims Act does create a situation where government is immune in many areas where its employees are not, and the State Government may defend and indemnify its employees in those instances. This it seems to me as a lay person creates the very real possibility that from a practical standpoint government may not be immune at all, since if we are to deny defending and indemnifying our employees when they work within the scope of

their responsibility, we would not long have adequate capable employees interested in performing their tasks. My own personal preference in this area would be to see employees immune in the same areas where the governmental entity is also immune." That was the letter from Roger Mallar dated May 18, 1977.

So, I think because of the present distinction in the law is a difficult and unworkable one which will create a great deal of litigation, because the distinction is unfair that the State says that there are areas where we do not dare allow ourselves to be sued, it is unfair, I suggest, to allow the employees whose resources are much more limited, to be exposed to that suit, and because we have really left them once we have closed the door to the suit against the State, we leave the State employees hanging out there all alone in a situation much different than private employees face, where if they were acting within the scope of their duty, their employer is responsible equally with the theory of respondent superior.

For all those reasons, I would urge the Senate, in essence, not to reconsider its previous position, and to move to indefinitely postpone this Amendment that is offered, and when the vote is taken, I ask that it be taken by a Roll Call.

The PRESIDENT Pro Tem: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that Senate Amendment "A" be indefinitely postponed.

A Roll Call has been requested.

In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators present in favor of a Roll Call, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, let me first respond to the two written materials that were described to you by the Senator from Cumberland, Senator Merrill.

He made reference to a Report done by the 105th Legislature. That Report has some values, but that Report did not address the total scene of governmental immunity in a way that the 108th Legislature has now addressed it. In addressing this problem as a whole, governmental immunity and employee immunity, the Judiciary Committee labored night and day last January in order to get an Emergency Act onto the books which would restore governmental immunity in the face of a Court action that had struck down that document. In the process of reaching those decisions we had to make a number of judgments about how far to go.

There were some who felt that government should have no immunity whatsoever. But when we looked at the cost consequences coming on us all of a sudden in an emergency situation, we said, no, that is not the way to go. There were those who would not have opened the door to any sort of liability on the part of government, and we said, well, that is not really the best way to go either, because there are a number of civil wrongs that ought to be redressed, and can we find some middle ground.

Well, we did find some middle ground and the middle ground is based on the idea that we should open to liability those areas where insurance can be obtained at a reasonable cost, and we were very attentive to the fact that this involves not only the State of Maine, but all of our cities and towns and districts and so on that are governmental entities. Now when you approach the whole problem in the light of what we were thinking then and are thinking now, you really have a different ball game than the 105th Legislature had.

The second thing is the letter from Roger Mallar. Roger Mallar's letter was written before the Committee had completed its work on this problem in the phase that is now before us. I have talked with Roger Mallar since then, and he has said to me that what he really wishes is that we could have left things the way they were way back, which, of course, would have been a total immunity situation for government. However, I think we have passed that position in our history of Tort Immunity, and we are moving down the road a way. I feel that it is wiser to move in steps that we can foresee and that we can insure, and that we can understand, and not try to do the whole thing too precipitously.

Now this position that is espoused in the letter from Commissioner Mallar is one that we gave a great deal of attention to, and the majority of the Committee came to the position which I have espoused before, and which I now support and ask you to reconsider, and one of the reasons that I felt we ought to take another look at it was that at least two Members of the Senate who voted against me before said to me following the vote and in further discussion that they had a particular concern for those people receiving very modest wages, who were working on the highway, who were working in construction projects, who were involved with day labor, who were pushing the mops and the brooms in the public buildings. Now, all of those people are taken care of by virtue of the doors that we did open in the original Act as further refined and defined in this Act.

Let me give you briefly a description of these areas that are exceptions to immunity, and wherever there is an exception to immunity, the State has responsibility for the defense of its employees and the indemnification of its employees. Governmental entity shall be liable for its negligent acts or omissions causing property damage, bodily injury or death in the following instances. There is quite a long list and just let me take out a few. The ownership, maintenance or use of any motor vehicle, special mobile equipment, trailers, aircraft, water crafts, snowmobiles, other machinery or equipment, whether mobile or stationary, in the construction, operation or maintenance of any public building or the appurtenances thereto, with certain exceptions that relate to tax acquired property just immediately after acquisition, to activities arising out of and occurring during the performance of construction, street cleaning, repair operations on any highway, townway, sidewalk, parking area, causeway, bridge, airport runway or taxiway, including appurtenances necessary for the control of such ways, including, but not limited to, street signs, traffic lights, parking meters and guard rails. There is another section about the sudden and accidental discharge of smoke vapors, soot fumes, acids, alkalines, toxic chemicals, liquids, gases, waste materials, irritants, and so on, into water courses and bodies of water.

Now I think that this outlines to you that in these areas that are most commonly exposed to Tort liability, the man working on the highway, the person pushing the broom in the public building and all of the related activities having to do with the use of equipment in a broad sense, that we are protecting those people. We are providing that there is the opportunity for insurance. In some cases the State may serve as a self-insurer. The Governor in his message to us last January, and in the current budget materials, has set aside the money so that there will be State funds available in the areas where we are self-insurers.

What the Senator from Cumberland, Senator Merrill, is asking you to do is to go further with respect to the employees of the State. Now you and I are employees of the State of Maine. We are legislators, and in our legislating we have

immunity as described by the Senator from Cumberland, but we do other things in the scope of our employment, and we are saying, if we take the position of the Senator from Cumberland, that we are immune from the wrongs that we commit.

There seems to be a sort of virus spreading around in the Senate. I am not sure where it started. There is a rumor it started in the second seat from the aisle. It spread to the aisle seat, and then it jumped the aisle and then it started south and pretty soon it was breaking out all over the Senate, and members of both parties, and that virus, I suggest to the Senate, is a dangerous virus. It is dangerous because it strikes at the sense of individual responsibility.

Now, as I understand it, if we take the position of the Senator from Cumberland — let me give you a hypothetical case, very hypothetical — but suppose that I go in to see my Majority Leader with a large book in my hand, in the course of my employment, to consult him about a difficult piece of legislation where I want his judgment. Suppose that I have had perhaps too much refreshment for lunch, and I have become a little awkward, I should know better, and I trip and very carelessly fall forward and the book flies into the face of the Majority Leader and it breaks his contact lens, and he falls to the floor, and blood streams from his eyes, and he goes to the hospital, and he really suffers pain and suffering and expense, and he is out \$1,000.00. What can he do about it? If you take the position of the Senator from Cumberland, he cannot do anything about it. He cannot sue me. I am immune. I am immune. This happened in the course of my employment as a State employee. What can he do? Well he has got to go to the Legislature and have a special Act for permission to sue the State of Maine.

Now a more likely situation, let us say, would be over at the Augusta Mental Health Institute, suppose that there is an attendant there whose duty it is to see that every three hours a very difficult client of that institute receives a pill, which keeps that client in a condition so that he is not dangerous. Let us suppose that this attendant is flirting with another member of the staff over there, and so she neglects to give that pill at the time appointed, and so the person under care becomes violent and attacks a fellow patient, damages that patient, damages an attendant. Who can be sued? If we pass this immunity situation, no one. The attendant who negligently failed to perform her duty is immune.

Now if that is the kind of policy that the Senate wants to encourage in the State of Maine, you should vote with the Senator from Cumberland, Senator Merrill. But I submit that that is not the wise policy. That would be, on the one hand, opening up some liability for the State in certain areas, but slamming shut the door to all recovery in other important areas.

Now the time will come, I predict, when all Tort can be redressed without going to the Legislature. I think that is quite a ways down the road. I think we have to move in that direction slowly, observing experience, learning what it will cost, learning how we must budget for it and setting up the sort of problem that will deal with it on a fair and equitable basis. We have much to learn about this, and I submit that we cannot learn it all overnight, and that until we have learned more about it we ought to be very careful in making our state employees immune in these areas where the state is also immune.

Now some of my fellow Senators have said to me, well, should we not try to make things as nearly as possible like a private employer. That would be ideal and one direction in which we may go in years to come, but one thing that sometimes they forget is that suppose someone works for the power company and negligently injures another, and so the injured person sues

the worker and sues the power company at the same time in a joint action, gets a judgment and probably it is the power company's insurance carrier who pays the bill. The insurance carrier in most cases then has an action over against the employee, what we call subrogation. When I was a very young lawyer, I used to do salvage work, as we called it, for insurance companies on occasion, in which it was my duty to try to collect back from the employee that which the employer's insurance carrier had paid out. So this idea of equating the private sector and the public sector, you run into different roads and byways that you do not always think about unless you have been through this litigation process as I have.

I respect the compassion of the Senator from Cumberland, Senator Merrill, in wanting to free from liability the small wage earner, but in doing so we free from liability all kinds of wage earners employed by the State of Maine, and we establish a principle and I submit at the present stage of time it is a dangerous principle. It is a principle that says you are not responsible for the wrongs you do. You are immune. You are a sort of super person. I remember a former President of this Country that talked in that tone not too long ago. If he did it, it was right, and I think that is a dangerous attitude.

We hear from time to time in the halls of the Legislature, talk about lack of sensitivity on the part of the Bureaucracy, official arrogance, letters that are impolite, written to Maine citizens. Are we going to improve that situation if we say to those people, well, you are immune. You can commit Tort in the scope of your employment. No one can sue you.

I feel that we do need to reconsider this matter. There are still some absent who ought to be voting on this today, and I realize that it is likely to be a close matter. I am glad that a Roll Call has been requested and ordered, and I would urge you to vote no on this Motion to indefinitely postpone so that we may adopt this Amendment.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would like to begin by commending the Chairman of the Judiciary Committee, the good Senator from Knox, for making what I think was a very eloquent appeal for the position that he takes, which is that we should not extend immunity to the employees as we have extended it to the State. But I take some exception to his characterization of my appeal which includes quotes from Professor Prosser and from Roger Mallar as compassionate; and, therefore, I suppose is not vigorous or factual or academic, and then following that characterization with such phrases as dangerous principle, super person, references to President Nixon whose acts, of course, were not acts of simple negligence as the previous speaker being an attorney fully understands, and are, therefore, not comparable to what we are discussing here, and impolite letters, which I do not think by any stretch of the imagination one could be sued for, and if they could I suppose they would have a defense and that writing the letter was discretionary on their behalf.

These are emotion packed words, indeed, these words that we talk about, dangerous principle. The dangerous principle that has been ineffect for some time is that the State is immune, and that principle, to a great extent, is what we are keeping alive with the Maine Tort Claims Act. Now the Senator made an impassioned plea that we should not let these people make these decisions without the threat of suit hanging over their heads, because if we do the result will be that they will be impudent, and yet the State, the employer who makes at least as many decisions which affect the safety in terms

of the conditions under which the employee works and the tools which he has to work with, his immunity has been protected by the actions of the Judiciary Committee, in this case the State. Are we not concerned with the primary conduct that will result from that? I think we ought to be if we are concerned with the ability of the Tort Law to deal with these problems.

Now in regards to the example raised in this last minute appeal on the part of the Chairman of the Committee in regards to his act under the state of drunkenness, or his hypothetical act in regards to the Majority Leader, the Majority Leader has not retained me as counsel, but let me recommend workmen's comp as a possible solution to that problem. I think you will find it is satisfactory under the conditions as they were described.

I do not think that we can stand behind the fact that we have opened the door in certain areas, and say, therefore, we have dealt with the problem. I point out that the person who pushes the broom in this building will not be covered by this immunity because the State has opened itself up to that kind of suit, so we need not be concerned about him. There are hundreds and thousands of State employees who are left unprotected as a result of this, and, yes, they include the people who work in our Mental Institutions.

I think we ought to reflect for a minute on the types of work that we ask our State employees to undertake, and the conditions that we put them in, and the fact that many of the jobs which are done by the State through their employees are the most undesirable jobs in our society, and they are the jobs that involve judgments at all levels on the part of the people who do that, and I think the added burden of these underpaid employees of not just being fired, as I would hope they would be if they failed to do something as obvious as to not give medicine because they were flirting with another employee, but to also stand suit when they make these decisions, many of which are not as they are described. Remember we are talking about simple negligence here, and think of the types of decisions.

Let us just focus on one narrow area, the types of decisions that have to be made by the people who work as aides at the Augusta Mental Health Institute, the types of decisions that they make, and ask ourselves is it fair for the State to say we are immune, we the State who provide those facilities over here, and who may turn a deaf ear year after year to providing them with the sort of protection that they need, and the sort of money they need to be able to do a safe job, that we are immune in that, but the employee who struggles with what is there, and who earns, let us say, so that it is not emotional, \$150.00 a week, let us make it one of the better paid, but he is eligible for suit. I do not think that is a tenable position, nor do I think it is tenable to say that if the decision is discretionary, whatever that word means, and I have already talked about Professor Prosser's views of the fact that that word does not create a real distinction. Is it really meaningful to say that the person at the high level who makes discretionary decision will not be liable for suit, but the other person will be, the person at the bottom level. Let me read what Professor Prosser says on that, so that if anyone is passionate, it can be the Professor. It concludes by saying "nor does justice of the public interest suggest that the petty official, who is honestly trying to obey orders, should be liable for a mistake, while those who are charged with the decision escape all liability." That is the position of Professor Prosser in one of his more passionate moments. You have heard the position of Roger Mallar, another carrier of this virus that was referred to earlier by the previous speaker.

I think that the trend to relax the safeguards of sovereign immunity is a good one. I support

it now, as I have supported it in the past, but I think as long as the State is going to make itself immune from certain acts, that that immunity ought to be granted to the employees as well, and I suggest that honestly and impassionately if we think about the people who are working at AMHI tonight, if we pass this Bill here today, as they go about their duties as psychiatric aides over there tonight, I can guarantee everyone in this Senate they will not think of themselves as super citizens. Quite the contrary. They are citizens who are in effect doing the dirty work of society, at very low wages, hopefully because they feel some dedication to the state, and hopefully they will feel in turn that the State thanks them for their services, and that is why I think the letter from Roger Mallar is so important. His arguments, no matter who they were made by, are so important to take into consideration, because he says in essence either the whole concept of immunity is a facade, and you stand behind the employees or you will not be able to keep, and in his words adequate, capable employees interested in performing their tasks.

I suggest that the alternative that he proposes, the alternative that I propose, be it a virus or an allergy, is the one that this Senate should stick with. It is the one it voted previous, and it is the one it should stick with today.

The PRESIDENT Pro Tem: Is the Senate ready for the question?

A Roll Call has been ordered.

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that Senate Amendment "A" be indefinitely postponed.

A Yes vote will be in favor of indefinite postponement. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Conley, Cummings, Danton, Farley, Jackson, Levine, Merrill, Minkowsky, O'Leary, Pierce, Pray, Speers, Usher.

NAY — Collins, D.; Collins, S.; Curtis, Greeley, Hewes, Hichens, Huber, Katz, Lovell, Morrell, Redmond, Snowe, Trotzky, Wyman, Sewall.

ABSENT — Mangan, Martin, McNally.

15 Senators having voted in the affirmative, and 15 Senators in the negative, with 3 Senators being absent, the Motion to indefinitely postpone does not prevail.

The PRESIDENT Pro Tem: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, when the vote is taken, I request it be taken by the yeas and nays.

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley, requests a Roll Call. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators present in favor of a Roll Call, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from Knox, Senator Collins, that the Senate adopt Senate Amendment "A".

A yes vote will be in favor of adoption of Senate Amendment "A". A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Collins, D.; Collins, S.; Curtis, Greeley, Hewes, Hichens, Huber, Katz, Lovell, Morrell, Redmond, Snowe, Trotzky, Wyman, Sewall.

NAY — Carpenter, Chapman, Conley, Cummings, Danton, Farley, Jackson, Levine, Merrill, Minkowsky, O'Leary, Pierce, Pray, Speers, Usher.

ABSENT — Mangan, Martin, McNally.

15 Senators having voted in the affirmative, and 15 Senators in the negative, with 3 Senators being absent, the Motion to adopt Senate Amendment "A" does not prevail.

The PRESIDENT Pro Tem: Is it now the pleasure of the Senate that this Bill be passed to be engrossed.

The Chair will order a Division.

Will all those Senators in favor of passage to be engrossed, please rise in their places to be counted.

Will all those Senators opposed to passage to be engrossed please rise in their places to be counted.

15 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion fails of passage.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move this item lie on the Table for One Legislative Day.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, a parliamentary inquiry, tabled pending what?

The PRESIDENT Pro Tem: The Chair would advise that the Bill is no longer before us. The proper motion might have been to reconsider our action whereby the Bill failed of engrossment.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request leave of the Senate to withdraw my Motion.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Speers, now requests leave of the Senate to withdraw his Motion to Table for One Legislative Day. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would move that the Senate reconsider its action whereby this Bill failed of engrossment.

The PRESIDENT Pro Tem: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this Bill failed of engrossment. Is this the pleasure of the Senate? It is a vote.

On Motion of Mr. Conley of Cumberland,

Tabled until later in Today's Session, Pending Passage to be Engrossed.

The President laid before the Senate:

Senate Reports — from the Committee on Business Legislation — Bill, "An Act Requiring Average Net Cost Comparison of Life Insurance Companies." (S. P. 125) (L. D. 304) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Acceptance of Either Report

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: The item which we are now going to consider is perhaps, I am sure, not going to be as exciting a vote as we just had, but certainly is a Bill which has been rather well celebrated since its introduction into the Legislative process. I would like to take just a few minutes to explain to you some basics of the Bill. I am sure some people may have some questions which I would be happy to attempt to answer at that time.

I think undoubtedly most of you are aware

that this Bill is the brainchild of Governor Longley, and was introduced by myself on his behalf. This Legislation has been designed to protect consumers from expensive life insurance costs. Consumers who can only afford small amounts of life insurance seem to be the primary targets for those companies making extremely high cost changes if a policy is surrendered. Since out of approximately every 100 policies that are issued in the State today, 62 of them for various reasons will be surrendered by the end of ten years, so it can be seen from a practical standpoint the cost to these consumers is very real. Such costs include both high expense charges and excessive profit margins.

At the present time such costs are uncontrolled, and there has been no effective action on the part of the life insurance companies to correct or police these costs. The purpose of this Legislation is to reduce the exposure of consumers to such high cost companies. It is accomplished by developing a representative cost for each company, and providing that any company with a cost 50 percent greater than that of the average of the five lowest cost companies, must bring its costs into line within two years or stop selling insurance and doing business in the State of Maine.

This Bill does not regulate rates, but rather sets a limit on high expenses and excessive profits. Expense limitation of life insurance companies is not new, having been enacted in several states as far back as 1909. Like any type of Legislation pertaining to insurance, this Bill has special terminology particular to the industry. However, I think the terms are well known within the industry and used every day by both the companies and their salesmen.

I would like you to take a look at the Bill, or more correctly the redraft which is S-289. This inadvertently was not printed correctly as a Committee Amendment and should have; therefore, it is listed under S-289. Section I applies to any life insurance company applying for admission to sell insurance in the State of Maine. It points out that its representative cost must meet the same requirements as any of those already licensed.

Section II sets forth the methods to be used to determine a company's representative cost, also carefully sets forth criteria which will be common for all insurance companies and deals with the type of coverage usually purchased by consumers who can only afford small amounts of insurance. The section also provides for a public hearing to give all interested parties a chance to be heard, and it provides for an appeal from this hearing. The Section sets forth several exclusions for coverages which do not apply, and ends by providing a two-year period in which the company may comply with this Legislation.

I am sure it is important to note that there are 263 life insurance companies doing business in the State of Maine. This legislation, if enacted, would potentially affect only 31, and those 31 companies would have this two-year period to come into line, so that in all probability only a handful of companies would ultimately be prevented from doing business within the State. These companies represent only about two percent of the business written in the State.

I think a lot of us as lay people do not have a great insight into the insurance field, and I am sure that I have based a great deal of my support on this Bill on two or three people, particularly the Governor, who obviously has some of the best knowledge of the insurance field of anyone in the country, people like the Commissioner of Business Regulation, who spent over 30 years with one of the largest and most outstanding companies within the State of Maine, people who have actuarial experience. And it is upon the recommendations of these people and