

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

HOUSE

Tuesday, March 19, 1974

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

Prayer by the Right Reverend Frederick B. Wolf, Bishop of the Episcopal Diocese of Maine.

The Journal of yesterday was read and approved.

Orders Out of Order

Mr. Brawn of Oakland presented the following Order and moved its passage:

ORDERED, that Kathleen Marston, Brenda Kerr, Jennifer Bartlett, Sharon Smith, Shari Buckman, Trifany Zohner and Carolyn Palmer of Oakland be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Curtis of Orono presented the following Order and moved its passage:

ORDERED, that Robert A. Johnson of Orono be appointed Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 941)

WHEREAS, a man of great stature departed this life on December 12, 1973 in the death of Israel A. Rosen of Saco; and

WHEREAS, Al Rosen, as he preferred to be called, unselfishly served in business, economic and civic affairs of Biddeford-Saco for 44 years; and

WHEREAS, he was well known for his compassion, generosity and unfailing commitment toward the general betterment of Pineland Center; and

WHEREAS, the Memorial Library Building at Pineland Center is destined to carry his name in final tribute to his dedicated service; now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, now assembled in special legislative session, do hereby commend the life and work of the late Al Rosen and tender our deep sympathy to his wife, family and many friends upon

the occasion of their great loss; and be it further

RESOLVED: That suitable copies of this Resolution be prepared and presented to his bereaved family and the Al Rosen Memorial Library in lasting appreciation for that deep sense of service from which his contribution sprung.

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

From the Senate: The following Joint Order: (S. P. 936)

WHEREAS, the Women's Correctional Center at Skowhegan is being phased out and its present function terminated by the State; and

WHEREAS, this facility has many potential uses in the future by either private or public interests; and

WHEREAS, it is appropriate and desirable to examine such alternatives for the purpose of determining the best possible use because of this termination; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council is authorized and directed to study the feasibility of utilizing the Women's Correctional Center at Skowhegan for purposes other than corrections to determine an appropriate disposition of the facility upon termination of its present use; and be it further

ORDERED, that the Council shall report the results of their findings and recommendations, including any necessary implementing legislation, to the 107th Legislature.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Order (S. P. 935)

WHEREAS, present day legislative services involve widespread use of reproduced and printed materials such as legislative documents, amendments, resolutions, orders, copies of Acts, journals, calendars, legislative records, registers of bills and resolves, registers of House and Senate, letters, budgets,

committee reports and similar House and Senate papers; and

WHEREAS, the sheer variety and bulk of these materials presents today's Legislature with a continuing printing and duplication problem; and

WHEREAS, this problem is essentially one of making even more efficient and effective the duplication of these needed materials while at the same time assuring that costs are minimal; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council is requested to inquire into procedures and pricing of legislative printing practices with particular emphasis on the feasibility of competitive bidding procedures in whole or part as to the legislative printing requirements. Such inquiries shall consider factors such as delivery, performance and accuracy in performance of printing requirements, as well as availability of physical printing and reproduction facilities necessary and desirable as fulfilling legislative printing requirements; and be it further

ORDERED, that the Council report the results of its study, including any needed legislation, at the next regular session of the Legislature.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Reports of Committees Divided Report

Majority Report of the Committee on Veterans and Retirement on Bill "An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court" (S. P. 825) (L. D. 2352) reporting "Ought not to pass"

Report was signed by the following members:

Mr. HENLEY of Oxford
— of the Senate.

Messrs. TWITCHELL of Norway
PRATT of Parsonsfield
LYNCH of Livermore Falls
BERRY of Buxton

Mrs. KELLEY of Machias
— of the House.

Minority Report of the same Committee reporting "Ought to pass"

Report was signed by the following members:

Messrs. RICHARDSON of Cumberland
DANTON of York
— of the Senate.

Messrs. THERIAULT of Rumford
GAHAGAN of Caribou
— of the House.

Came from the Senate with the Minority Report "Ought to pass" read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-399).

In the House: Reports were read.

On motion of Mr. Pratt of Parsonsfield, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Persons" (H. P. 2015) (L. D. 2556) which the House voted to insist on their action whereby the Bill was indefinitely postponed on March 15.

Came from the Senate with that body insisting on their action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-394) and asking for a Committee of Conference.

In the House: On motion of Mr. Simpson of Standish, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Reorganizing Executive Staff Functions" (H. P. 1902) (L. D. 2410) which the House indefinitely postponed on March 14.

Came from the Senate with Report A "Ought to pass" in New Draft (H. P. 2039) (L. D. 2573) under new title "An Act Creating the Office of Executive Management and Providing for the Reorganizing of Executive Staff Functions" accepted and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, the House voted to adhere.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Correct Errors and Inconsistencies in the Education Law"

(S. P. 895) (L. D. 2488) Emergency which the House passed to be engrossed as amended by House Amendment "A" (H-682) on February 15.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-682) and Senate Amendment "A" (S-371), Senate Amendment "C" (S-386), (Senate Amendment "D" (S-391), Senate Amendment "E" (S-398), Senate Amendment "F" (S-402), and Senate Amendment "G" (S-403) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Resolution, Proposing an Amendment to the Constitution of Maine to Provide that Equal Protection of the Laws shall not be Denied or Abridged on Account of Sex. (H. P. 2018) (L. D. 2561) which was passed in the House on March 15.

Came from the Senate with the Resolution failing final passage in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I move that we insist and request a Committee of Conference.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the House insist and ask for a Committee of Conference.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I fully realize that of course we are not allowed to mention the action of the other body to influence the House, and I certainly will not refer this morning to their vote, and my remarks do not pertain to any Senator and his action, but I understand that a certain professor at the University of Maine Portland-Gorham called certain people and said that although he was opposed to the original ERA constitutional amendment to the Federal Constitution and was supporting this, he could not support it now, only because we had changed the wording of the referendum clause. Now, if that is so, and if we can come to a compromise by

changing this back, I certainly would be willing to, and I think that it is worthwhile to see if it would be possible to resolve this with a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I move we concur.

The SPEAKER: The gentleman from Caribou, Mr. Briggs, moves the House recede and concur, which motion takes priority.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I would request that people who feel as I do, since we did pass this with 107 votes, I would request that you vote against this motion so that we can have a Committee of Conference and perhaps straighten it out.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: At the time this was voted on in the House, there were several comments made relative to what action might happen if this were to pass and as a result could result in the legislature again reversing their decision. Comments have come out that the United States Supreme Court has ruled that once you have ratified an amendment to the Constitution, this becomes final and binding and it cannot be reversed. I have some serious reservations as to whether that statement is exactly true.

I think there are only a couple of cases in which there have been amendments to the Federal Constitution passed in which there has been a later change in the thinking of the people so that they have reversed their decision. I guess the most noteworthy one that comes to my mind goes back about a hundred years ago to the Fourteenth Amendment. There are some states particularly in the southern section of the country, that feel that the Fourteenth Amendment actually was never completely ratified, because it was initially ratified and they changed their decisions, the states reversed their decisions, and the Supreme Court, to my

knowledge, has really never completely addressed themselves to that problem as to once a state ratifies it, before the amendment becomes final by passage of the sufficient states to cause it to become a part of our Constitution, they cannot change their decision.

I think some of the states that have changed their decision, the two or three states that have reversed their decision, still do feel that if it comes right down to a final decision, the Supreme Court might indicate that until the amendment has passed by the sufficient states to become a part of the Constitution, that they have a right to change their decision. I don't think that decision is final. I do believe that the Supreme Court will take a second look at this, and this is a compelling factor as to whether we should or should not adopt this amendment. I believe that we should wait until a final decision of the Supreme Court at some later date, and I would support the motion to have a Committee of Conference.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Briggs, that the House recede and concur. The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Thereupon, Mr. Jalbert of Lewiston requested a roll call vote on the motion to insist and ask for a Committee of Conference.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House insist and ask for a Committee of Conference. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bragdon, Brawn, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Cote, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dudley, Dunleavy, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Ferris, Finemore, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hoffs, Hunter, Immonen, Jackson, Kauffman, Kelley, Kelley, R. P.; Kilroy, Knight, Lawry, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Murchison, Murray, Palmer, Parks, Pratt, Rollins, Ross, Shaw, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Strout, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Briggs, Brown, Clark, Conley, Connolly, Crommett, Curran, Dow, Drigotas, Farnham, Flynn, Hancock, Herrick, Jalbert, Keyte, Lewis, J.; McTeague, Morton, Najarian, Norris, Peterson, Smith, S.; Susi, Talbot, Tierney, Twitchell.

ABSENT — Bither, Carey, Cooney, Cottrell, Cressey, Donaghy, Dunn, Dyar, Farley, Hobbins, Huber, Jacques, Kelleher, LaCharite, LaPointe, LeBlanc, Mulkern, O'Brien, Perkins, Pontbriand, Ricker, Rolde, Santoro, Sheltra, Shute, Stillings, Tanguay.

Yes, 95; No, 26; Absent, 28.

The SPEAKER: Ninety-five having voted in the affirmative and twenty-six in the negative, with twent-eight being absent, the motion does prevail.

Non-Concurrent Matter

Joint Order (H. P. 1997) Relative to Legislative Printing Contracts which was read and passed in the House on March 1.

Came from the Senate with the Joint Order indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: You will notice that earlier in today's calendar, item 3 on page 2, we accepted an order to make sure that we get the study done and that we report to the next legislature. This, I think, meets the objective that I had in the introduction of this order when I introduced it the first day of March. Now I would move that we recede and concur with the other body.

Thereupon, on motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Increase the Minimum Wage" (H. P. 1801) (L. D. 2321) which was passed to be engrossed in the House as Amended by Committee Amendment "A" (H-744) and House Amendment "A" (H-765) on March 11.

Came from the Senate with that body adhering to their action whereby they passed the Bill to be engrossed as amended by Committee Amendment "B" (H-745) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Bangor, Mr. McKernan, moves that the House recede and concur with the Senate.

The gentleman may proceed.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is obvious from the communication we received from the Senate that the Maine Legislature, at least in the special session, is not going to increase the minimum wage any higher than \$2. Although I personally feel that an increase in the minimum wage to \$2 is the most responsible position that the legislature can take, I realize that a lot of you feel that we should go substantially higher.

I also realize that there has been a lot of politics played with this whole issue, and I accept that as part of the political process that we are all involved in. But I think a time comes when politics has to

be set aside and the welfare of the people of Maine has to be taken into consideration. I think that time has come right now. I also think that if you ask every man and woman working in the State of Maine how they feel about the minimum wage, I think each of them would say that \$2 is a darn sight better than \$1.90. So I hope that you support my motion to recede and concur.

Mr. Connolly of Portland requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I will take little exception with what my good friend from Bangor about a little politics being played with this measure.

I really believe, and I think a lot of you here believe the same as I do, that when we increased the compensation of our legislature, we didn't stop and think about the cost of living or other things connected with it. We were very, very generous. But when it comes to giving the laboring man a little bit of an increase, everybody seems to get up on their feet and object to it. I don't know why. The man who is going to benefit most by the increase of wages, the hourly wage, is going to be the man on the street, the man on the lower end of the totem pole. I really think that he is the one that is struggling the hardest to make both ends meet.

I know that in my line we don't pay as low a price as that for wages, and I know that many other classes have the same thing. They pay a very good, substantial sum. These plants pay a good price, but the man who hasn't any education, who earns his living by mowing lawns, shoveling snow, working out in the woods or doing menial tasks, he is not getting the proper compensation. He has a family nine times out of ten that needs his help, and in order to properly compensate him, we should, at least, do what we can to give him an increase in his hourly wage.

A lot has been said over here that well, it is a mite too early to start. I notice the federal government at the present time are working on a bill which will grant the laboring man \$2.20 an hour, and I almost

believe it will pass. I certainly hope it does. If it does, we will have to follow suit.

On our State flag we have a motto, *Dirigo*, which means, I lead. Why don't we lead the rest of the nation and give some of these people proper compensation. I think that \$2.20 an hour is not too much. I am glad we are going to have a roll call on this measure.

The SPEAKER: The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't recede and concur so we can insist and ask for a Committee of Conference.

I don't think we are playing politics with the people of Maine on this issue. Two dollars an hour just doesn't feed a family now. Let's get realistic; let's defend the people and let's insist so that we can have a Committee of Conference and work out a better figure than \$2 an hour, and I don't think this is playing politics. It is playing politics to quit.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think we are caught in a situation this morning where I don't particularly care to find myself. The other body having adhered, we have no choice but to back up and to go along with them. If we do anything else, it will kill the bill and we won't get anything at all during the special session. Under parliamentary procedure, unfortunately, this is where we are caught, in a situation with the other body having adhered to its position and this means very simply that they refuse to discuss this and that if we do anything but recede and concur, the minimum wage increase is dead. This, to me, is tantamount to blackmail by the other body, but we have no choice in the matter.

I certainly disagree with the remarks of the gentleman from Bangor, Mr. McKernan, because I feel strongly that the people who need the help will not be getting it, and we will now have to wait for the federal government, once again, for them to raise the minimum wage to assist people of this state.

You may be interested to know that the federal government is now in the

process of amending the minimum wage, and they think, according to most people in Washington, will go to \$2.20 in a year. It would also be covering state employees in the process and it will cover a number of other categories that prior to that had not been covered. Even though I resent the vote that I am going to have to make myself this morning, I am going to have to vote to recede and concur, because if I don't do that, Maine people will get nothing during the special session.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning you will listen to the minority leader. He is a very practical man. He sees the handwriting on the wall on this thing.

I personally feel we aren't too far behind the rest of the states in the United States on minimum wage. And while I have nothing against going higher, I think we are doing pretty well as it is.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there is one thing that the gentleman from Eagle Lake brought out that I guess I would disagree with, and that is the fact that the other body has adhered to a positive motion. As long as they have adhered to a positive motion, that bill is still very much alive. In fact, we can do just about anything we want to over here. Of course, we can recede and concur or we could stick to our position that we have been in and we could insist. We could, in fact, adhere ourselves. There is no doubt about it, if we adhered ourselves, for all practical purposes, the bill would be dead. But as far as we are concerned, this bill is alive, and if we wanted to insist or if we wanted to insist and ask for a Committee of Conference, we definitely could. That bill has to go back to them in non-concurrence and their adhering motion could then be overturned.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I get advice from my left and my right. My heart tells me to accept one thing; my head another. I won't mention my nose.

I would ask, Mr. Speaker, and I pose this as a parliamentary inquiry to the Chair, because we are dealing with something terribly important to those who have very little fat to spare. Ten cents an hour is a pittance and in a sense an insult at \$4 a week. Yet I expect, if you are earning \$1.90, the extra \$4 might buy an extra day's food. So it might be worthwhile.

I share the concern of my seatmate, the gentleman from Eagle Lake, about losing everything. So rather, Mr. Speaker, than rely on either the minority or the majority floor leader for their parliamentary interpretation, I would pose a question to the Chair and ask the Speaker to describe for me and this body what the possible motions available to this body are at this time and the consequence of following any particular motion. I would also ask, Mr. Speaker, respectfully, after those opinions are expressed, because of the fact that we have previously in this session had divergent rulings on certain parliamentary matters from the other body as opposed to this body, that in the event that it appears that there may be other action possible, that there be given consideration by some other member to tabling this during the day so we don't operate on guess work and so we know how the presiding officer of this body is going to rule after you have explained it to us so that we know with certainty how the presiding officer of the other body will rule.

Mr. Speaker, I would appreciate your explanation.

The SPEAKER: The Chair would state that the House may recede, which motion takes priority, which would allow us to offer an amendment, and was the case in this very bill a few days ago when an amendment to lower from \$2.20 to \$2.10 was offered.

Mr. McTEAGUE: Mr. Speaker, in addition to that, is the motion to insist and ask for a Committee of Conference in order?

The SPEAKER: The Chair would say

that after receding, next is to recede and concur, which motion is pending now, the motion of the gentleman from Bangor, Mr. McKernan, which would mean that we concur with the Senate on the \$2 minimum wage. Next in order would be the motion to insist and ask for a Committee of Conference, which motion is not in order at the present time, which would allow a Committee of Conference between the two bodies to perhaps try to work something out. Finally is the motion to adhere, by which this body would remain firm on its particular motion, which was passage of the bill at \$2.10 per hour.

The Chair recognizes the gentleman from Lewston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would like to ask a parliamentary inquiry. If we insisted and then we asked for a Committee of Conference, then, if the Committee of Conference could not agree, the bill would then come back with the \$2 on it, it would not be dead.

The SPEAKER: The Chair would state that if we recede and concur which is the pending motion, we would then have agreed with the Senate on the \$2 minimum wage.

Mr. JALBERT: Mr. Speaker, then if we insist and ask for a Committee of Conference, which means we want — laying it out as it is — we want \$2.10 versus the unmentionable body of \$2, then if we insisted and asked for a Committee of Conference and the Committee of Conference did not agree, the bill would still be alive at \$2. Is this correct?

The SPEAKER: The Chair would answer in the negative. The members of the Committee of Conference report to each body that they could not agree, and presumably the Houses would accept those reports and the bill would be dead.

Mr. JALBERT: Then on that basis, I think probably, in spite of the fact that I voted personally for \$2.20, and we tried \$2.10 and the unmentionable other body does not agree, and in view of the fact that I am also looking toward early adjournment, I think probably you had better take the leadership's advice and thank the Speaker for his counsel without tabling the bill.

The SPEAKER: The Chair recognizes

the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I certainly agree with the self-answered question posed by the gentleman from Lewiston, Mr. Jalbert. I must say that I am no longer confused as to which floor leader to follow, because although I certainly want a \$2.20 minimum wage, I know that in this case a third of the loaf is better than none.

I would like to express the dismay that other members of this House have expressed at the way, in a sense, the majority of those voting in the other House have, I think, put us in this box. I don't think it has been played square. I don't think there has been an opportunity for those of us who stand for \$2.20 and are willing to let the people to whom we are responsible know that, to clearly define our position. Mr. Speaker, I guess we are in all ways both Legislators during the Session and off the Session, I guess we are public servants and communicators to our people during the on and off Session. I am certain that many of us will describe the sequence which happened on the Minimum Wage Bill in the State of Maine. I guess perhaps those of us who have a deep concern for the working people should be at least proud that even if we are not the most skillful in the world, at least we have gotten the other side to a position where they are reduced to parliamentary stratagems, rather than debating the thing straight up on the merits.

Mr. Speaker, I would express my personal thanks and I know that my constituents will feel the same way. What I believe is, that every member of my party in this House, who felt strongly enough for the working people, to support the \$2.20 minimum wage, and in the interest of accuracy on record, I would like to thank those members of the other party of this House, I believe being approximately half of the Republican Party in this House, who have, not only on the final vote, when it was roll called, but when the going was tough at the beginning, fought for a \$2.20 wage. I do not mean to suggest in the coming election year every Republican member

should be castigated for the opposition to the \$2.20 minimum wage, because a significant number of the Republican members of this House, and I believe every Democratic member of this House, has gone along with and fought for a \$2.20 minimum wage.

Mr. Speaker, in regard to the other Body, unfortunately, that degree of cooperation across party lines in the interests of working people did not obtain. I guess experience is a maturation for me to learn that there was a so-called party line roll call in the other Body. Mr. Speaker, I urge concurrence with the motion to recede in order to save at least 10 cents for those who need it most.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jackson, Jaques, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martan, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally,

McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Palmer, Parks, Peterson, Pratt, Ricker, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Sproul, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Connolly, Goodwin, H.; O'Brien, Smith, S.

ABSENT — Carey, Crommett, Donaghy, Dyar, Farley, Huber, Kelleher, LaCharite, LaPointe, LeBlanc, Mulkern, Norris, Perkins, Ross, Santoro, Sheltra, Soulas, Stillings, Trask.

Yes, 124; No, 4; Absent, 21.

The SPEAKER: One hundred twenty-four having voted in the affirmative and four in the negative, with twenty-one being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense" (H. P. 1991) (L. D. 2535) which the House passed to be engrossed as amended by House Amendment "A" (H-729) and House Amendment "D" (H-763) on March 14.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-729) and House Amendment "D" (H-763) and Senate Amendment "C" (S-404) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I would like to move that we recede. I would like to explain that.

Mr. SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the house recede, which motion does take

precedence, and the gentleman may proceed.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: The reason I move that we recede is that I would like to get us into a position where we can kill the Senate Amendment C. And I think it would be beneficial and to the edification of all the members of the House, if perhaps before we vote on the motion to recede, if the gentleman from Eagle Lake would explain exactly what Senate Amendment "C" does. Mr. Speaker, I would like to ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, if the gentleman from Portland wishes to deal with Senate Amendment C and not have it on there, the proper motion would be to insist, because we never did adopt that position; not the motion to recede. Secondly, Senate Amendment C, which would be adopted if my motion to recede and concur were to be accepted by this Body, would mean that the rate of payment for the distributors, who handle the cigarette tax be changed from two and one quarter, to two and one-half per cent. You may remember that the bill that we had or the amendment that came from the other Body, specified that, Senate Amendment B, that it would be two and three-quarters and I moved for "Indefinite Postponement" to that amendment based on the fact that I thought that was excessive. Senate Amendment C calls for half of that amount and it means roughly the additional payment to the distributors of forty to forty-five thousand dollars.

Now the reason that they feel very strongly about this is the fact that since the last time that there has been an adjustment. As a matter of fact, they have been adjusted downward twice since 1965, once in 1965 and once in 1967, as I recall it. There has been a tremendous increase in the costs of handling the situation. And, of course, it means that they are, in effect, handling a tax for us. They are handling a twenty million dollars tax for us. And they have to buy the stamps and they have to pay the labor to put them on, open the cases

and repackage the cases, etc. I agreed with them that this was a workable compromise and that it seemed to be fair in view of the increased costs of production and the handling of the cigarettes. That is the reason why I moved to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Eagle Lake and I would like to withdraw my motion to recede, but I would also like to ask for a roll call on the motion to recede and concur. I guess the thing that just burns me up on this whole situation is that here we had a bill that most of us thought was really needed, the Catastrophic Illness Bill. The cigarette companies were originally opposed to that bill because it was going to increase the tax. But then that I sensed that when they had the feeling that it was inevitable that some kind of legislation which was going to increase the cigarette tax was going to pass through this Body, that they saw that they could work that to their advantage and rip off, in effect, another forty or forty-five or fifty thousand dollars. I just don't want to be a part of that and that is the reason why I am asking for a roll call on this motion.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Portland — I am against this bill anyway, because I am against the tax — but I think the gentleman from Portland, Mr. Connolly, has put his finger right on the button, on this one.

There are those who might have said that in two decades, plus, that I have been here, that I have wheeled and dealed. If anybody would say that this is a compromise, just perish the thought. This is a deal. The tobacco companies, as far as cigarettes are concerned, have no objection at any time to a hike in the cigarette tax as long as you take care of their stamps. It is true, what the gentleman from Eagle Lake, Mr. Martin says that they unpack the cases; they

put the stamps on the cigarettes; for twenty million dollar tax. But if you go to any tobacco dealer, you will see just how quickly that operation is done, and you will see that they are pretty well paid if you tack on what this amendment is to what they are already getting. And as far as I am concerned I don't want any part of that type of dealing. Believe me, I can wheel a little myself but not this way.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to assure the gentleman from Lewiston that I am not involved in a deal.

I want to point out what has happened and I do think we ought to try to be fair with everyone concerned. Since 1965, since I have been a member of this Body, there have been at least four increases in the cigarette tax. During that same period, there has been two decreases in the amount of money that they keep; one from two and three-quarters to two and a half, and one from two and a half to one and a quarter. All during that time we are increasing the take, this total tax, that we were getting and picking up. And all during this time, the cost of production, the cost of handling was going up. That is the reason why I agreed to this, and the reason I would not agree to the two and three-quarters was based because I felt, personally, that this was excessive and that if they realized this that they would be willing to compromise, which, of course, they did.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I want to set the record straight that I am, in no way, accusing the gentleman from Eagle Lake, of going into deals, because I know he would never go into any deals. He would never do anything like that. I am totally aware of that.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I just want to set the record straight. I

don't quite agree with the thrust of the remarks from the gentleman from Eagle Lake. The way I understand it is that there is approximately forty-one or forty-two distributors in the State. Fifty thousand dollars for forty-two distributors. This is a backward approach to the problem. If they wanted relief, then they should have had a bill in to ask for relief.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I am frank to say that I am in favor of Catastrophic Insurance, but I am not in favor of this bill the way it is written. I think there are errors and inconsistencies in it, and I think they should be straightened out. I had hoped to see some clarification on some of these points here this morning. I would hope that someone, my table is filled, so that I can bring some very pertinent questions on the legal language on this bill to the leadership of both parties. Now I can't do anything more than that but I am stating my position very firmly and clearly. As I said, I thought Mr. Martin was going to give us a simplified language before we go through this process of final action on this bill.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: In reference to the remarks of the gentleman from Portland, Mr. Cottrell, I do have that information, and you will have it for final enactment of the legislation.

Mr. Connolly of Portland was granted permission to speak a third time.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I have gotten a couple of notes from friends of mine in the last few minutes, and they have been generally around the idea that if we vote against the motion to recede and concur and defeat that, that in effect the cigarette lobby is going to kill the bill. I just don't think that we are going to allow that to happen if we think the bill is important enough. The cigarette lobby is in a position to be able to kill a bill that would provide money for people who

need it to pay for expenses in cases of catastrophies. I don't think that we can allow that to happen. I think we have got to take a position and say that we in the legislature are more powerful, we represent the people, we are more powerful than the cigarette lobby. I just don't think that we can allow this kind of situation to exist, where a lobby can come in here and influence legislation and decide what the final outcome of that legislation is going to be.

I would hope that you would vote against the motion to recede and concur, so that we then can make a motion to insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't agree more with the gentleman from Portland, Mr. Connolly, than I do. There is just one reason for Senate Amendment "C" on this bill, and that is to keep the cigarette lobby quiet and happy. That is the only reason it is there.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: I would like to make the statement that I believe that Senate Amendment "C" is a good amendment. I think it is a must. Because I would point out that when these people started putting stamps on cigarettes, the minimum wage was about \$1.40. It has increased now up to \$1.90, and most of these companies pay more than that for their people to do this. So I very sincerely think that this is a good amendment and that we ought to vote for the motion.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House

recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Carter, Chonko, Churchill, Clark, Cressey, Curran, Davis, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Faucher, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Herrick, Hobbins, Hunter, Jackson, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Littlefield, MacLeod, Maddox, Martin, Maxwell, McKernan, McNally, McTeague, Mills, Morin, V.; Morton, Murray, Pratt, Rollins, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Susi, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, White, Willard.

NAY — Baker, Berry, P. P.; Cameron, Carey, Carrier, Chick, Conley, Connolly, Cooney, Cote, Cottrell, Curtis, T. S., Jr.; Dam, Deshaies, Dudley, Dunn, Fecteau, Hancock, Hoffses, Jacques, Jalbert, Knight, Lawry, Lewis, E.; Lewis, J.; Lynch, Mahany, McCormick, McHenry, McMahon, Merrill, Morin, L.; Murchison, Najarian, Norris, O'Brien, Palmer, Parks, Peterson, Ricker, Ross, Shaw, Sproul, Stillings, Strout, Talbot, Tanguay, Trumbull, Wheeler, Whitzell, Wood, M. E.; The Speaker.

ABSENT — Crommett, Donaghy, Dyar, Farley, Farnham, Farrington, Ferris, Gauthier, Huber, Immonen, Kelleher, LaCharite, LaPointe, LeBlanc, Mulkern, Perkins, Pontbriand, Rolde, Santoro, Sheltra, Soulas.

Yes, 77; No, 52; Absent, 21.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-two in the negative, with twenty-one being absent, the motion does prevail.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action and ask you to vote against me.

The SPEAKER: The gentleman from

Eagle Lake, Mr. Martin, moves the House reconsider its action whereby it voted to recede and concur. All in favor of that motion will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta

March 18, 1974

Hon. E. Louise Lincoln

Clerk of the House

First Special Session

106th Legislature

Dear Madam Clerk:

The President appointed the following conferees on Bill, "An Act Providing for Maine Motor Vehicle Insurance Reform" (H. P. 1963) (L. D. 2504)

Senators:

HENLEY of Oxford

HICHENS of York

JOLY of Kennebec

Respectfully,

Signed:

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

The Chair appointed the following conferees on the part of the House:

Messrs. SUSI of Pittsfield

McTEAGUE of Brunswick

TIERNEY of Durham

The following Communication:

STATE OF MAINE

One Hundred and Sixth Legislature

Committee on Natural Resources

March 18, 1974

The Honorable Richard D. Hewes

Speaker of the House

Maine House of Representatives

State House

Augusta, Maine 04330

Dear Speaker Hewes:

The Committee on Natural Resources is pleased to report that it has completed all business placed before it by the 106th Special Session of the Maine Legislature.

Bills received in Committee

14

Leave to Withdraw

3

Ought to Pass

2

Ought to Pass, Amended 2
 Ought to Pass, New Draft 4
 Referred to 107th Legislature 2
 Divided Reports 1

Signed:

JAMES C. MacLEOD
 House Chairman

The Communication was read and
 ordered placed on file.

The following Communication: (S. P.
 940)

March 15, 1974

To the Governor
 and Members of the
 106th Legislature of
 the State of Maine:

Pursuant to Joint Order S. P. 701 of the
 106th Legislature, I hereby present the
 Department of Transportation's Report
 on the Possibility of Establishing a
 Monorail Network System in Maine,
 dated March, 1974.

Respectfully submitted,

Signed:

ROGER L. MALLAR
 Commissioner

Maine Department of Transportation
 Came from the Senate with the
 Communication read and placed on file.

In the House, the Communication was
 read and ordered placed on file in
 concurrence.

The following Communication:

STATE OF MAINE

One Hundred and Sixth Legislature
 Committee on Veterans & Retirement

March 18, 1974

Honorable Richard D. Hewes

State House

Augusta, Maine

Dear Speaker Hewes:

The Committee on Veterans &
 Retirement is pleased to report that it
 has completed all business placed before
 it by the 106th Special Session of the
 Maine Legislature.

Total Bills Received in Committee 10
 Ought to Pass as Amended 2
 Ought Not to Pass 5
 Divided Reports 2
 Referred to the 107th Legislature 1

10

Sincerely,

Signed:

NORMAN G. PRATT
 House Chairman

The Communication was read and
 ordered placed on file.

The following Communication:

The Senate of Maine
 Augusta, Maine 04330

March 18, 1974

Hon. E. Louise Lincoln

Clerk of the House

First Special Session

106th Legislature

Dear Madam Clerk:

The President appointed the following
 conferees on Bill, "An Act Relating to
 Initial Changes in the Penal System of
 the State and the Rights and Duties of
 Convicted Persons" (H. P. 2015) (L. D.
 2556):

Senators:

TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN of Cumberland

Respectfully,

Signed:

HARRY N. STARBRANCH
 Secretary of the Senate

The Communication was read and
 ordered placed on file.

Orders

Mr. Carter of Winslow presented the
 following Joint Order and moved its
 passage:

ORDERED, the Senate concurring,
 that the Joint Standing Committee on
 Veterans and Retirement is directed to
 report out a bill permitting enlisted
 personnel of the National Guard to form
 an association. (H. P. 2055)

The Order was read.

Mr. Simpson of Standish requested a
 vote on passage.

The SPEAKER: The pending question
 is on the motion of the gentleman from
 Winslow, Mr. Carter, that this Joint
 Order receive passage. All in favor of
 that motion will vote yes; those opposed
 will vote no.

A vote of the House was taken.

Thereupon, Mr. Carter of Winslow
 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

one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: Just a word of clarification for the reason for my introducing this order. This would merely authorize the enlisted personnel of the National Guard in the State of Maine, which number 2,000, to form an association so they can purchase coverage to protect themselves when they leave their home and report for duty every month for two days.

One member of the Guard was recently injured very seriously, leaving his home and reporting for duty, and unfortunately he has no coverage. This particular bill that I propose to report out from the Veterans Committee is now in effect for the officers of the National Guard, and Maine is the only state in the Union that does not allow enlisted men to form an association. I would hope that you would go along with me and allow them to form an association so they can adequately protect themselves.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know as I totally disagree with the gentleman, but this was one of the bills that was asked for by the General to put in on behalf of the Guard along with about four other bills, which we did turn down for this session. We felt that it was something that should be looked into and that it should be brought back in another session. I still feel that way.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that this Joint Order, House Paper 2055, receive passage. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berry,

P. P.; Berube, Binnette, Bustin, Carey, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Curran, Curtis, T. S., Jr.; Dam, Deshaies, Drigotas, Dunleavy, Emery, D. F.; Fecteau, Fraser, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, Lawry, Lewis, J.; Lynch, Mahany, Martin, McHenry, McKernan, McMahon, Mills, Morin, L.; Morin, V.; Murchison, Murray, Najarian, Norris, O'Brien, Peterson, Ricker, Shaw, Shute, Silverman, Smith, D. M.; Snowe, Stillings, Tanguay, Theriault, Tierney, Twitchell, Walker, Wheeler, White, Whitzell, The Speaker.

NAY — Ault, Baker, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Cameron, Chick, Cressey, Davis, Dudley, Dunn, Evans, Farnham, Farrington, Faucher, Finemore, Flynn, Garsoe, Good, Hamblen, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelley, R. P.; Knight, Lewis, E.; Littlefield, MacLeod, Maddox, McCormick, McNally, Merrill, Morton, Palmer, Parks, Pratt, Rollins, Ross, Simpson, L. E.; Sproul, Strout, Susi, Talbot, Trask, Tyndale, Webber, White, Willard.

ABSENT — Bunker, Cottrell, Crommett, Donaghy, Dow, Dyar, Farley, Ferris, Gauthier, Hobbins, Huber, Kelley, LaCharite, LaPointe, LeBlanc, Maxwell, McTeague, Mulkern, Perkins, Pontbriand, Rolde, Santoro, Sheltra, Smith, S.; Soulas, Trumbull, Wood, M. E.

Yes, 69; No, 54; Absent, 27.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-four in the negative, with twenty-seven being absent, the motion does prevail.

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees Ought to Pass in New Draft New Drafts Printed

Mr. MacLeod from Committee on Natural Resources on Bill "An Act Relating to Damages for Violating the Bulldozing of Rivers, Streams and Brooks Law" (H. P. 1820) (L. D. 2307)

reporting "Ought to pass" in New Draft (H. P. 2053) (L. D. 2588) under new title "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks"

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Mr. Ross from Committee on Election Laws on Bill "An Act Placing Certain Limits on Campaign Donations and Expenditures for Candidates for Political Office and Public Referendum Questions" (H. P. 1823) (L. D. 2308) reporting "Ought to pass" in New Draft (H. P. 2054) (L. D. 2589) under new title "An Act Placing Certain Limits on Campaign Donations and Expenditures by Candidates for Political Office"

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: It certainly would be my suggestion that we accept the Committee Report today, and if there are amendments, we present them tomorrow before debating the bill.

But briefly, let me explain this bill. It is the campaign spending bill which, as you know, is an issue of universal interest, especially this year. It is a redraft of L.D. 2308, presented by the gentleman from Eagle Lake, Mr. Martin. It does many things that his bill did and leaves out a couple of them.

The referendum section in his bill we have left out, because we have made a separate bill out of it, and this just refers to candidates. And like his bill, it sets the limit in the primary election to 25 cents, multiplied by the number of votes cast for all candidates for such office in the last election, and 50 cents for the general election. It does set individual limits of \$35,000 for the office of Governor — these are personal expenditures — \$25,000 for a United States Representative, and \$5,000 for other political offices, including the one we seat.

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading tomorrow.

Passed to Be Engrossed

Bill "An Act Relating to Consent to or

Surrender and Release for Adoption" (H. P. 2051) (L. D. 2585)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Second Reader

Later Today Assigned

Bill "An Act Providing for a Workmen's Compensation Insurance Fund" (H. P. 2047) (L. D. 2580)

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

(On motion of Mr. Smith of Dover-Foxcroft, tabled pending passage to be engrossed and later today assigned.)

Bill "An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits" (H. P. 2050) (L. D. 2584)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act to Create a Task Force to Evaluate the Financing of Transportation Programs in the State of Maine (H. P. 2034) (L. D. 2571)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

Thereupon, Mr. Morton of Farmington 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 one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, it requires a two-thirds vote of the entire elected

membership of the House. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, Lawry, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, O'Brien, Palmer, Parks, Peterson, Pratt, Ross, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Berube, Cote, Dudley, Dunn, Hoffses, Immonen, Littlefield, Shaw, Sproul, Strout, Tanguay.

ABSENT — Binnette, Bunker, Curran, Deshaies, Dyar, Farley, Ferris, Gauthier, Goodwin, H.; Huber, Jacques, LaCharite, LeBlanc, McTeague, Norris, Perkins, Pontbriand, Ricker, Rolde, Rollins, Santoro, Sheltra, Smith, S.; Stillings, Trumbull.

Yes, 114; No, 11; Absent, 25.

The SPEAKER: One hundred fourteen having voted in the affirmative and eleven in the negative, with twenty-five being absent, the motion does prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to the Powers of the Milk Commission (H. P. 2014) (L. D. 2554)

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

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't here on Thursday due to the fact that I had business in Portland and I couldn't come to the legislative session. I think it is important for me, being the sponsor of the other bill that had something to do with the effect of some of the policies of Maine Milk Commission in this special session, I would like to point to the record some comments about this bill. It has been effectually referred to as the powdered down milk bill, all you do is add water. I think, in essence, this is what the bill is about. In my opinion and the opinion of some of the people that I have talked to, this bill does nothing more than the Commission, itself could have done within its statutory policy prerogative as set up by the legislature in past years. Other than making some organizational changes in the makeup of the Commission, it does nothing else.

Mr. Speaker, I hope now that everyone will move for passage of this bill.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Order Out of Order

Mr. Cooney of Sabattus presented the following Order and moved its passage:

ORDERED, that Marty Waterman and Lee Hinkley of Sabattus be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service. (H. P. 2037) (L. D. 2572) Emergency

Tabled — March 15, by Mr. Whitzell of Gardiner

Pending — Passage to be engrossed

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and

Gentlemen of the House: I question whether the legislature is wise in enacting legislation of this sort to put a governmental unit in direct competition with a privately financed operation. I have a number of questions I would like to ask and I would like to say a few words for the gentleman from Waterville, Mr. Ferris, who had to leave.

First of all, under L. D. 2572 it says, "Whereas the present law permits municipalities to raise money to provide for public ambulance service, and whereas there are many municipalities in Kennebec County, which are unable to provide funds for such service, these services are now being provided for by the County." Superior Court said that the county cannot get into an ambulance service field. How is the county providing these services now? Where is the money coming from? It also asks for legislation to permit the County Commission of Kennebec County to raise money to provide such services for the benefit and the well-being of the citizens in the several municipalities. It also says that the Commissioners shall assess only the municipalities under contract and receiving the services of ambulances under this resolve.

In one way they are saying that the municipalities shall pay for the services, but in the last resolve, it says the Commissioners of Kennebec County are authorized to appropriate up to \$100,000 from federal revenue sharing funds. Now what does that do to the communities who do not participate in this public ambulance service? Part of that \$100,000 is their share. Are they going to have to make an involuntary contribution?

I would like to ask someone who is in favor of the bill, does the City of Augusta have an ambulance now, where is it, has it been used, has it been taken out of service? If it has, why? I wonder if the people in Kennebec County realize that in getting into a public ambulance service they are walking into an area that is going to be an ever increasing burden upon the County, because no governmental service can be operated as efficiently as a private enterprise. There is no need to operate as efficiently when you have the public taxes behind you.

Now the gentleman from Waterville, Mr. Ferris, left me a few notes and Mr. Speaker, If I may read for him, I would like to get his thoughts into the record. The Southern Kennebec County area has been well served with ambulance service by a private operator for some six years. I would ask the proponents of the L. D. before us to document the need for expending federal revenue sharing money and county taxes to compete with a businessman with an investment of \$180,000 and whose payroll will be in excess of \$82,000 this year. In my mind, this bill is a classic example of encroachment by government into free enterprise. It is also a needless waste of money and another step toward proliferation of government.

The gentleman is not here to make his motion, so I will move for indefinite postponement of this bill and all its papers.

The SPEAKER: The Chair recognizes the gentleman from So. China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: What is before you is simply a resolve that is a one-shot deal, allowing the Kennebec County Commissioners to inject infusion into the ambulance services in Kennebec County, allowing the County Commissioners to contract with private areas or with municipalities to improve upon the services now offered within Kennebec County. That service which allows for standardizing and a cooperation between the present services to provide that overall better service and possibly a lesser rate for those who reside or who have accidents within the confines generally in the Kennebec County area.

To answer the gentleman's question regarding a court decision; as most of you probably know, and unless this body acts to allow the County Commissioners to do a particular thing, that they are not now allowed to do, they certainly cannot do that. This is strictly, positively, giving them this permission. Now, we have a great deal of confidence in our Commissioners in Kennebec County. And I feel very surely that they will act in the best interest of all the people in the county as far as the distribution of these funds go.

I repeat the decision that was just made and is now in today's paper for you all to read made by Judge Violette was that the County Commissioners can not engage in the ambulance, in spending money for ambulance services until such time as this legislature allows it.

Now, as far as private enterprise versus public functions go, I think you will all agree that this area of health care and service to the injured is equally important as a fire department service, or any other such service.

This bill is so written, so drafted, that the commissioners can contract with the present services, Ace Ambulance Service, and also the service in the northern end of the county to provide a more thorough, a faster and more effective ambulance service.

For your information the service offered in the northern end of Kennebec County is offering their service for slightly less money than the private service in the southern portion of the county.

We feel very strongly that there should be a uniform rate, and I am sure there would be with the coordination with the Kennebec County Commissioners.

This bill reads such, that the Kennebec County Commissioners cannot go into the ambulance service per se. They are merely allowed to spend \$100,000 to inject more money, which we hope will do more good for this type of service. I hope you this morning will adhere to home rule. This is a matter that pertains to Kennebec County. The majority of the delegation is going along with this proposal, and I hope this House will. I hope you will vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In the area that I represent we do have private ambulance service. It is a very efficient and very satisfactory mode of operation. It is subsidized by the communities in the area. We have not gone to the county, we have not gone to the legislature seeking special legislation. I think if communities need and want good ambulance service they can do it by

subsidizing on the local level. I think there is sufficient power given to the county commissioners now without letting them get their hands into other areas.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise here today to plead for free enterprise. We defeated a bill in this House that would have put the University of Maine in the liquor business; we passed a bill that puts municipalities in the liquor business. And I don't think we should pass another bill to put the county government into private business. I feel that private enterprise here should be recognized. And if we start getting into all types of businesses what will happen to those people who work in those industries? Why not take over the mills or any other private enterprise and let the State run it. I think it is wrong. I don't think the county government should get into this ambulance service and I hope that the motion before us today is sustained.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to speak on this because I thought sure the matter would take care of itself. But it would appear that the County Commissioners at least in Kennebec County are in a big rush to spend all of the money that they possibly can. They talk about \$100,000 here, but nobody has told you how many units they expect to buy; how much they have to pay for those units themselves; what they will give for subsidies to the different areas. I think Mr. Cote, when he mentions free enterprise is probably hitting the nail right on the head. Because what has happened is that the City of Augusta and the surrounding area, around Augusta anyway, are having a problem with their particular ambulance service. Now, rather than undertake another service themselves they are going to force the burden on the entire county to take care of Augusta's problems.

We had a problem when we talked

about sanitary land fill in Kennebec County and the Commissioners, taking that up a little while ago, because we were going to cross county lines. The new bill was drafted. The thing was amended so Somerset could well be included. Well, the service, the ambulance service up in Kennebec County, northern Kennebec County, does service the communities of Somerset, as far up as Skowhegan, and at times they have gone just short of Skowhegan. So that we would have the same problem again but there are no provisions in this bill to take care of that problem.

It seems strange that they would come up with funds for these things and yet I have a copy of a letter for homemakers service from the dioceses where they asked the communities to give more money than they were giving because they had made an approach to the County Commissioners and the County Commissioners said they were sorry but they had absolutely no funds what so ever. So it seems strange that they can keep coming with no moneys. This is not a very good bill. And maybe somebody can explain exactly what the total cost of this package is going to be.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: It seems to be one of the troubles on this whole thing is the Ace Ambulance service that heads up in Androscoggin County, and it works in Kennebec. I have used Ace Ambulance several times and I have been extremely well satisfied with the service we got from them. Other people have used Ace and they haven't been well satisfied. One man lost his daughter, and he blamed the ambulance service for it. We have had between 25 and 30 people working on this for pretty near a year. Finally, the Commissioners got in on this thing and wanted to try to work out a solution. I think they should be allowed to do so.

A friend of mine from Livermore Falls talked to me a short time ago about the ambulance service in Livermore Falls. He said a friend of his had a heart attack so they called the ambulance; the ambulance came; they went upstairs and they walked him down the stairs, put

him on the stretcher, put him in the back of the ambulance, ran around front, started the ambulance up — they forgot to lock the stretcher — the ambulance went one way and the stretcher went the other. Now, that might be good service, but not really what we are looking for in Kennebec County. I am against the motion to indefinitely postpone, I hope this bill is passed to see what we can do with it.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the pending motion on this bill because I have tried my best to see if we could resolve our differences and it appears at this time that it is almost impossible.

I am concerned about this bill, like I was on the solid waste management bill, for the simple reason that the federal funds offered here are nothing more than a carrot being offered at the communities to join the system. If they don't join the system they are denied the service.

Now, I went to see the Legislative Research Director, and I asked him if we could come up with an amendment that guaranteed that no community would be denied its share of the funds spent in the county on this type of a service. He told me that it was almost impossible to draft. He suggested that I go talk to someone in the Attorney General's Office which I did. In discussing the problems with the Deputy Attorney General, Mr. West, we discovered that if the community is denied the service that it would be discriminatory. So, in effect, they are being forced to join. And if they don't join, you, in effect, deny them services. As Representative Cary has pointed out, the ambulance service in our area of the county can at times go as far as from Jackman down to Bath if the occasion arises. The way the bill is drawn up; in the community that is serviced shall be assessed.

Now, the Commissioners of Kennebec County have no authority to establish any contract with Somerset County or any other county for that matter. And again this would be a point that would be

discriminatory. In essence, the entire bill, if passed and put in operation, really is unconstitutional because of the discriminatory use of Federal Funds. I would hope that you would support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: This bill came before the Committee on County Government and I signed the report "Ought to pass". But I think I am going to direct most of my remarks to the gentleman from China, Mr. Farrington.

It was my understanding that it would be specifically included in this new draft that there was nothing in this draft to be construed by the Commissioners as allowing them to enter the service directly. Now, maybe, after I am done, he can point out to me where this has been included. But right now I do not see it. If I had not been under that impression I would have signed the "Ought not to pass", because I don't think the Commissioners should be in the ambulance service.

On the first page of the bill under the ambulance service for Kennebec County resolve, I read where they are receiving funds to provide for the service. Then, turning to Page two, I was under the impression that the Commissioners, that it would be mandatory that they contract with either a profit or nonprofit agency to provide the service, but I see the word "may" in there. Then as I go down this further, I see that the said Commissioners may provide for said ambulance services, only through a contractual basis. And this was not my understanding of what this redraft was going to be. It was my understanding that it was going to be written right in here that nothing shall be construed in this act to allow the Commissioners to go into the business themselves. For that reason, since it does not appear here in that language, I am going to go along with indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have just

received a note in regard to this matter. "Brooks, I hope that this can go. I have seen too many persons lying beside the roadway dying just waiting for an ambulance. As an ex-Navy corpsman, I realize the need for fast, efficient aid. I don't think, while you are lying in the gutter, after you have had an accident, that you are going to ask if you are a private enterprise or a public service operation or whatever you are. You are concerned about the very best medical attention you can get, and you want fast and efficient service."

In regard to the gentleman from Waterville, Mr. Carey, I would like to make a few comments. After all, if this one proposal, one-shot deal, this resolve, happens to be passed, it is still left up to the County Commissioner and the parties involved to work out what kind of a program they are going to carry forth or expedite with, or operate with, whether it be with private enterprise, or part enterprise in part; whether it be for the hospitals themselves or just what manner they do operate. Obviously, the County Commissioners cannot, themselves, operate. In regard to the gentleman's comments, the gentleman from Waterville, Mr. Carey; I would say that I have heard that the County Commissioners, at one time, planned two ambulances in Waterville, two in Augusta, one in Gardiner, all participating with the hospitals, and one in Winthrop. In the Waterville situation, as I have understood it, Waterville area did have a private operator, who was delighted to death when he was bailed out by the local hospitals, who then proceeded to go into a \$30,000 deficit, which they are now asking the County Commissioners to take care of. I think that this points up the situation in Waterville that they do not have private enterprise up there, and they are reasonably well taken care of by a hospital operation, I would guess. Nevertheless, they would still like to have some assistance from the County Commissioners.

Here, on this end of the Kennebec County, I would like to quote from the Kennebec Journal of February 9th and I don't intend to be long, but I would like you to get a little different bit of

perspective of what we are talking about when we talk about private enterprise. I can remember a number of years ago, when I was involved in city hall, that I didn't look upon a fire department or a police department as a private enterprise, because the duties and the expenses were far greater than what private enterprise could have efficiently afforded. You have got the profit motive here. You will not provide the services that you need, if you're looking for first-class medical attention. This editorial comments, that I have revised, not to change the statements, but merely to work out the intent for our purposes here, "A public service is elemental in its way is a safe water supply, police and fire protection, etc. Modern hospitals hold that those manning an ambulance should be emergency medical technicians, a bona fide title, gained by training. They should be able to handle wreck extrications safely, control hemorrhaging, and to be able to communicate knowledgably with the emergency room doctor on the patient's condition." Communications systems are emphasized under these proposals. The argument for a public operated ambulance system are compelling. First, it is a matter of accountability. Obviously, the public has no more than indirect control over private enterprise. Secondly, a service operated at a profit will reflect this motive. Publicly operated, such a service would draw on a large reservoir of funds and is essential to the general welfare that it be maintained at peak level despite income fluctuations.

Augusta General Hospital wants to have full-time, paid emergency medical specialists; that is for every hour and for every day and every week. Once an emergency patient reaches the hospital he will be expertly handled by people trained in this specialty. What has to be resolved is, how the patient will arrive at the hospital. An ambulance system should be an outreach of the hospital, hospital based and hospital staffed. It is actually immaterial if the de facto operation is a regional commission, county government or municipality. We don't think, however, that the job can be done as readily or as well by private

enterprise, however cherished that institution may be. What we are talking about are personnel who would be employed by the hospital, trained by the hospital, far better training than any of our people could afford in private enterprise. They would then, one suggestion was made to me, that when these people go out on a cardiac case or an accident case or something else, they, a corpsman or medical man, would be trained in monitoring pulse and heartbeat, and then radio the hospital, receive orders from a doctor as to how to administer medication or to take appropriate action. We do not feel that private business can afford the type of services that we are looking for here. This is a one-shot deal. I would appreciate it if you would go against the motion to "Indefinitely Postpone".

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I arise this morning to support the position of my good friend and colleague from Augusta, Mr. Brown.

I must say that I note with interest, I am sure it has nothing to do with comments on this measure, but I note with interest that a number of Androscoggin County Legislators are interested in this, and perhaps the reason is that the owner of the ambulance service with which we are unhappy is a resident of Androscoggin County, specifically, the City of Lewiston.

I would hope this morning that when you cast your ballot that you're voting on the basis of need. I have a very good friend who is a State Trooper and he patrols the Maine Turnpike. And he was summoned off the turnpike one day to go to an accident, quite a serious one, in the town of Randolph, which is on the other side of the Kennebec River from Gardiner. He told me, and I tried to get to him a little earlier today, but he was working the night shift and I did not want to wake him up to get the specific details, but that head-on collision, this year, involved two automobiles, and I think it was either seven or eight persons. When he got to the scene he found a pretty

horrible mess and he had to take the people out of the automobiles lay them beside the road, he summoned the ambulance service, and it took quite awhile for them to get there. And then the most incredible part of the story is, that that ambulance had to make three, I believe he said, three trips up to the Augusta General Hospital. The people there, including a lady, an elderly lady, who had compound fractures of both legs, had to wait while the ambulance made those trips.

Mr. Farrington has pleaded with the members of this House to consider the home rule aspect of it. People in Kennebec County need this service and I hope when you vote that you will do it on the basis of the need.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The arguments made by the gentleman from Augusta, Mr. Brown, as to qualified personnel; ambulances are thoroughly equipped with medications which are all present in the private ambulance service and in the locality from which I come there are three ambulances. They are the best trained people in the State. They are in instant communication with the hospitals. They are given advice on their run to the hospital. This is all being done in a small area of several thousand people. And it is being done by subsidization of the towns involved. This is, I think, the approach that the State ought to take; to get into this on a County-wide basis, I think is going to be so expensive that you will reverse your tracks before you go too far.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I notice something in this Special Session of the Legislature; that any time someone rises and speaks, it seems that another is casting aspersions on the speaker because he comes from a certain locality. I think it is very wrong. The main reason I am up here this morning is because of free enterprise and bureaucracy of government getting into some types of business. Everybody here

at this session has criticized the bureaucracy of the State in different departments. And now we are trying to put the County into the ambulance business. I first didn't know where Ace Ambulance came from. I know they have one in Lewiston, but I thought it was a branch. We have another one, the Allied Medical, that is also in Lewiston. But that is not the reason why I got up because I don't know anything about Ace Ambulance or Allied Ambulance either. The reason I got up is for free enterprise against government control in businesses.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Following along with what the gentleman from Lewiston, Mr. Cote, has said; you will find that the only people speaking for this thing are out of the Augusta area.

Now the towns and the cities who are not being serviced properly by this have the right, through legislation that we passed in past legislatures, to join together to finance multi-community ventures. This certainly could qualify under one of those. So that the towns, themselves, who need the service could join together, and they don't have to go through the County.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take at least a moment to rebut some of the remarks made by Mr. Carey of Waterville.

The simple answer is that there are some people in the Southern part of Kennebec County who are speaking in favor of the bill, but it is the people in Southern Kennebec County who are without adequate ambulance service and we are the ones who are asking to be up-graded so that our people aren't dying on the roads. When Mr. Carey speaks of the free enterprise system earlier, Mr. Carey's ambulance service is subsidized and it is a non-profit operation right out of the hospitals. So, certainly, again, since they didn't mention it, I will mention it. I don't want

to be part of the North and South Mason-Dixon Line driven across the Kennebec County. But that is apparently what happens every time there is a County bill before us. I don't think it is very wise that we should go without the benefits of an ambulance service just because the other section of the County already has one. I think the plan, and Mr. Carter remarked that federal funds are carrots; well, in this case, federal funds will provide adequate training for every ambulance driver. It will attract federal money, they are our dollars that went to Washington. If we get them back and they are used to train personnel on an ambulance service which will provide immediate emergency medical care for those people who need it, then those are well-spent dollars, and we should be attracting them. I would like to ask the Clerk of the House, what the Committee Report was on that bill? I am sorry, that was a resolve and I would ask you to vote against the motion of indefinite postponement.

Thereupon, the Report was read by the Clerk.

MR. WHITZELL: It was a unanimous report. I wasn't positive.

Let me just recount one very quick story. I live in Gardiner and Ace Ambulance was called to my neighbor's home. My neighbor came over and got my wife who is a registered nurse, and we went over to his house and we waited for the Ace Ambulance service. 20 minutes later the service arrived. One hour later they finally were able to take a woman who was in a state of diabetic coma out of the house and into the ambulance. The lady could have been picked up, put onto a stretcher. They spent one hour taking that woman from that house to get out of her bedroom and onto the ambulance. Now the problem there was that one of the people that was there knew nothing about emergency extrication. He didn't know how to even operate the stretcher. The other person was a part-time employee. And the reason that this has become an issue not only in Gardiner and Augusta and the southern area of Kennebec County is an ad which appeared in the Kennebec Journal in February 1973. The ad reads like this; "Ace must cut back nighttime

service. A ruling came out of the Bureau of Labor and Industry which told David Clark, owner of Ace Ambulance Tuesday that his drivers on night duty must be paid as full-time employees. As such they will be paid for each hour at the station and overtime beyond 40 hours. Clark said his income from the ambulance service does not allow such an expenditure and he has no choice but to relay the late night calls to an employee at home who will then go to the ambulance garage and drive to the scene. Clark said his is only one of two self-operated ambulance services in the State. The others are subsidized in one way or another." And then there was a notice, a paid ad, by the ambulance service says: "Notice-Due to the Maine Bureau of Labor and Industry job classifications Ace Ambulance Service, Inc. must curtail service from five p.m. to eight a.m. daily. We are sorry that there will be delays, but we will answer all calls as soon as possible. Signed, Ace Ambulance Service."

The key is not to rush people off to the hospital. It is not having an ambulance that is fast or a speedy driver; but it is really to be able to give proper care to a person on that spot. Somebody who knows immediately, can make an assessment of what damages there are, and make emergency care, and those people who get that emergency care through well-qualified personnel who are paid personnel, well-paid if necessary, will save lives. Rushing them in a vehicle to the hospital does not save lives.

I would hope that you would vote against this motion to indefinitely postpone so that the people in all of Kennebec County can enjoy at least one of the best standards of ambulance service. And it really bothers me that we have to stand up and argue about something as vital as an ambulance service. We wouldn't argue about a police force and we wouldn't be arguing if it was a fire department. Yet the people who require ambulance service for the most part are people who have been hurt and are lying by the road and need that service, and they need good quality service. So I would hope that you would vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: This happens to be my area which we are now discussing, and I hope that each one of you will say here today, "this is my area," and put you in the same position that you are putting us in. Then when you vote let your conscience be your guide.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I feel as though I should answer my good friend from Skowhegan, Mr. Dam, in regard to changing of the word to "shall" to "may".

It seemed, and our chairman agreed, that "shall" would be putting these people into a must position whereas "may" would give them more leeway.

In talking of the service offered in the southern end of the county we have tried to work very closely with Delta Ambulance Service, a corporation who serves Albion, Belgrade, Benton, China, Vassalboro, Fairfield, Oakland, Rome goes as far as Shawmut, Sidney, Smithfield, Waterville and Winslow. In 1972 their emergencies were 920; their transfers were 848. In 1973 their emergencies were 1,301; their transfers were 863, and non-transport was 268; for a total of 2,432.

Now this particular service indicates to us that they need help financially. They showed a loss according to this report of last year of \$18,903. Now these losses come by many ways. Of course, most of the cases are paid for by insurance. Their rates are such that insurance does cover most patients. They have indicated, of these funds, they would like to have \$19,275. Having talked with this group on two occasions, I find they do run a tight ship as far as cost accounting goes. But there are areas that insurance cases that just refuse to pay, and I understand that some of the Blue Cross money that is due them has not yet been paid so this might make a difference in their deficit.

The southern end of the county is very

much in favor of the county expending money for an infusion, and that is all it is under this ambulance service.

As Mr. Dam from Skowhegan would like to offer an amendment to this bill saying that the Commissioner shall not operate an ambulance service I am sure it would be perfectly all right with everyone concerned. However, I think the bill reads now so that County Commissioners would be disallowed to go into this service by buying ambulances, manning them with personnel and going into this sort of an operation.

I hope you will go along with this, it is a one-shot deal, it has been said two or three times, and give them a chance to improve this service in Kennebec County.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to this debate here on Kennebec County, and what has occurred in Washington County may be a comparison. I would like to find out.

In Washington County the private operators of ambulances as the legislature commences to enact rules and regulations and increasing the professionalism of the drivers and attendants on the ambulances; one after another they went out of business and said they couldn't meet it owing to the increased costs and expenses.

Now my question to anybody in Kennebec County is this; how many of the private ambulance companies have gone out of business up to date?

The SPEAKER: The pending motion is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that this Resolve and all accompanying papers be indefinitely postponed. All in favor of this matter being indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Carey of Waterville 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 one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House indefinitely postpone L. D. 2572 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Cameron, Carey, Carrier, Carter, Chick, Clark, Conley, Cote, Crommett, Curran, Dam, Dudley, Dunn, Fecteau, Ferris, Flynn, Gauthier, Genest, Greenlaw, Hancock, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, LaPointe, Lawry, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, McCormick, McNally, Merrill, Murray, Palmer, Ricker, Shute, Snowe, Tanguay, Twitchell, Walker, Webber, Wheeler, Willard, Wood, M. E.

NAY — Ault, Baker, Birt, Brawn, Brown, Bustin, Chonko, Churchill, Connolly, Cooney, Cottrell, Cressey, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dow, Dunleavy, Emery, D. F.; Farnham, Farrington, Faucher, Finemore, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Hamblen, Hobbins, Kelley, R. P.; Knight, LaCharite, Martin, Maxwell, McHenry, McKernan, McMahon, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Najarian, Norris, O'Brien, Parks, Peterson, Pratt, Rollins, Shaw, Silverman, Simpson, L. E.; Smith, S.; Soulas, Sproul, Stillings, Talbot, Theriault, Tierney, Tyndale, White, Whitzell.

ABSENT — Bragdon, Briggs, Bunker, Drigotas, Dyar, Evans, Farley, Fraser, Herrick, Hoffses, Huber, Jackson, Kelley, LeBlanc, Littlefield, McTeague, Morton, Perkins, Pontbriand, Rolde, Ross, Santoro, Sheltra, Smith, D. M.; Strout, Susi, Trask, Trumbull.

Yes, 58; No, 63; Absent 28.

The SPEAKER: Fifty-eight having voted in the affirmative and sixty-three in the negative, with twenty-eight being absent, the motion does not prevail.

Thereupon this Resolve was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, out of order I present a Joint Order and move its passage.

The SPEAKER: The gentleman from Wayne, Mr. Ault, presents a Joint Order out of order and moves its passage. Is there objection?

(Cries of Yes)

The Chair hears objection. The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that the rules be suspended for the purpose of presenting an Order out of order. This requires a two-thirds vote. The Chair will order a vote. All in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Ault of Wayne 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 one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe we have the order. Would it be out of order to ask what the order contains?

The SPEAKER: The gentleman from Hampden, Mr. Farnham, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Members of the House: I would just inform the gentleman from Hampden, it is a very simple order directing the Joint Standing Committee on Legal Affairs to report out a bill.

The SPEAKER: The Chair recognizes

the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, a parliamentary inquiry. Are we voting on whether or not to allow the gentleman from Wayne, Mr. Ault, to introduce the order out of order? If it is to his advantage, does that mean he can then introduce it under orders?

The SPEAKER: The Chair would answer in the affirmative.

The SPEAKER: A roll call has been ordered. The pending question is, shall the rules be suspended for the purpose of presenting an order out of order. All in favor of the rules being suspended will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Clark, Connolly, Cooney, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Farnham, Farrington, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jackson, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, LaPointe, Lawry, Lewis, J.; Maddox, Mahany, McKernan, McMahon, McNally, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Peterson, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Stillings, Tanguay, Tierney, Walker, White, Whitzell.

NAY — Berry, P. P.; Bither, Boudreau, Brawn, Brown, Churchill, Cote, Curran, Dudley, Dunn, Faucher, Fecteau, Ferris, Hancock, Jacques, Jalbert, Kauffman, Kilroy, LaCharite, Lewis, E.; Lynch, MacLeod, Martin, Maxwell, McCormick, McHenry, Mills, Morin, V.; Palmer, Parks, Ricker, Soulas, Sproul, Talbot, Theriault, Twitcheil, Tyndale, Webber, Wheeler, Willard, The Speaker.

ABSENT — Albert, Bragdon, Briggs, Bunker, Conley, Dyar, Evans, Farley, Huber, LeBlanc, Littlefield, McTeague, Perkins, Pontbriand, Rolde, Ross, Santoro, Sheltra, Smith, D. M.; Strout, Susi, Trask, Trumbull, Wood, M. E.

Yes, 85; No, 41; Absent, 24.

The SPEAKER: Eighty-five having voted in the affirmative and forty-one in the negative, with twenty-four being absent, the rules were suspended.

Thereupon, Mr. Ault of Wayne presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal Affairs is directed to report out a bill to provide for the use of returnable bottles in the State of Maine. (H. P. 2056)

The Order was received out of order and read.

The SPEAKER: Is it the pleasure of the House that this Joint Order receive passage?

(Cries of Yes and No)

The Chair will order a vote. All in favor of this Joint Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Ault of Wayne 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 one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: First off, I want to thank the House for suspending the rules.

As I am sure you all know, this order could be controversial. The subject has been in the past, but I have been seeing enough orders going through here directing Joint Standing Committees to report out bills that I just couldn't hesitate to submit this one.

I would suggest that since we have had a public hearing on this item in the last regular session, and since we are in a hurry to go home — I am anyway — that we not refer this bill to public hearing and just vote on the subject as the Legal Affairs Committee might report out the bill that I submitted at the last regular session.

I hope you will vote for a passage of the order.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: In all seriousness, this legislation is important in view of the energy crisis and in view of our concern for clean highways. Whether or not we act favorably on such a bill this session, I do feel that it would be important if such a bill was reported out of committee so that it could be studied by the Legal Affairs Committee during the summer as was planned earlier in the session.

Reporting this legislation out would give us something to work with and give us an opportunity to come back with a bill to recommend to the 107th even if we didn't take action on it at this time. So I hope you will support the motion of the gentleman from Wayne, Mr. Ault.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I commend the gentleman from Rockland, Mr. Emery, for his honesty when he says this would give us something to do. He should have added, at \$25 a day and \$25 besides.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: Very briefly, I am a member of the Legal Affairs Committee, and as far as I am concerned, we are out of business for this special session. I hope this order doesn't receive passage. I think it is something that should be brought before the next legislature and we probably will have to do something about it. But as far as I am concerned, the Legal Affairs Committee has heard their last bill, and we are trying to bring this session to a close, hopefully by the end of this week. If that is not possible, probably by Wednesday of next week. And if we keep letting stuff in, we will be here until skiing time. I hope you don't go along with it.

The SPEAKER: A roll call has been ordered. The pending question is passage of this Joint Order, House Paper

2056. All in favor of this Joint Order receiving passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Binnette, Birt, Bustin, Carrier, Carter, Clark, Conley, Connolly, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Davis, Dow, Dunleavy, Emery, D. F.; Farnham, Farrington, Fraser, Gahagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hobbins, Hoffses, Hunter, Immonen, Jackson, Knight, LaPointe, Lawry, Mahany, McKernan, McMahon, McNally, Merrill, Murchison, Peterson, Pratt, Rollins, Shaw, Silverman, Smith, S.; Tierney, Trask, White, Wood, M. E.

NAY — Berry, P. P.; Berube, Bither, Boudreau, Brawn, Bunker, Cameron, Carey, Chick, Chonko, Churchill, Cooney, Cote, Crommett, Curran, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Faucher, Fecteau, Ferris, Finemore, Flynn, Garsoe, Genest, Good, Hancock, Herrick, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Ricker, Shute, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Twitchell, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, The Speaker.

ABSENT — Albert, Bragdon, Briggs, Brown, Dyar, Evans, Farley, Gauthier, Huber, LeBlanc, Littlefield, McTeague, Perkins, Pontbriand, Rolde, Ross, Santoro, Sheltra, Susi, Trumbull.

Yes, 51; No, 79; Absent, 20.

The SPEAKER: Fifty-one having voted in the affirmative and seventy-nine in the negative, with twenty being absent, the motion does not prevail.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act Creating the Maine Consumer Credit Code" (H. P. 1908) (L. D. 2451)

Tabled — March 18, by Mr. Simpson of Standish

Pending — Motion of Mr. Trask of Milo that the House accept Report A "Ought to pass" in New Draft (H. P. 2043) (L. D. 2582) under same title.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will accept the majority report of the committee, "ought to pass." This legislation has been the subject of a study. Legislation was introduced in the 105th Legislature. It went out to a further study and was studied by the Committee on Business Legislation. We heard people from the consumer groups, the financial institutions, and I think it is basically a good piece of legislation. It recodifies the laws. If we could enact it now and we find anything wrong with it, we can certainly take some action in the regular session of the 107th.

I do know that there are some amendments floating around that people want to put on, and I hope you will keep it alive so this can be done. I hope you will accept the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to Mr. Trask's motion, not so much the motion of "ought to pass," but I oppose "ought to pass" of Report A.

I believe that the bill, if it was going to be passed, should be Report C. Report C is the report signed by myself only, and I have some very very definite ideas on what we should expect from a consumer credit code bill.

I agree that this State needs a consumer credit code, and I agree with Mr. Trask when he says this has been well studied. It was presented in the 105th. It was presented for study for the 106th, in the interim. It was presented again, this draft, in this legislature. So I have to say that I have been involved with this bill for a year and a half, at least, and I have some very firm commitments on just exactly what is happening to the bill.

As Mr. Trask said, many merchants,

banks, lawyers, many people assisted in the drafting of this bill. They put their expertise into this bill, and the committee drafted a bill. Then on the day that we had that bill presented for public hearing, the same people who had worked for a year and a half to draft the consumer credit code came to that committee on the public hearing day with 82 pages of amendments. If these people had so much expertise to put into this bill, the draft that we presently have before us, why didn't they put this expertise into the two years that we took to study it?

People on the committee worked very hard, and I really — I am not trying to apologize for anybody on the committee, but when it came right down to the public hearing, members of this House and members of this committee wanted the titled "Consumer Credit Code" passed, they want that title passed so badly that they bought almost entirely 82 pages of amendments, you know, suggestions that the rate increase go from 18 to 30 percent. I am responsible for cluttering your desks this morning, and that I will apologize for, but that gives you some idea of what they hope to perform with the passage of the consumer credit bills.

Probably the first amendment that we talk about should be the amendment to change the title from consumer credit to merchant's credit, because I can't buy Report A in any way when you increase the rates in some cases almost double to what the presently are.

The difference between Report C and Report A, Report C, if I may be so bold as to call it my bill, which it really is not, it is just a difference of opinion from what the consumer credit code should have. Report C puts a 15 per cent credit ceiling across the board. I have distributed a Maine Consumer Credit Code Rate Chart showing what the present rates are and what the rates would be under Report A.

You may all remember some of the debate dealing with the small loan companies in days gone by. We were very very successful in putting the small loan companies out of business, and I take a little bit of pleasure in saying, "I told you so," now that they are all gone,

and the banks are circumventing what the intentions were in putting the small loan companies out of business by coming back not only with the small loan rates of interest but higher rates of interest, and also a way of circumventing the 36-month restriction rule that applied to the small loan companies.

Let me give you an example of how it can be circumvented. The 36-month rule applies only to small loan companies that are charging rates of interest and so forth, and after 36 months, the rates have to drop down to 8 percent, and they don't have the option of rewriting. Under the consumer credit code Report A, a bank can charge you 18 per cent for 36 months. They can rewrite this loan for 18 per cent for another 36 months, without adding any new money to your account, without making any new purchases to your account, just for the very mere fact that you have failed to stay current, perhaps, on your payment; not particularly a bad credit risk. Maybe fall one or two payments behind, and continue on for 35, 34 months, finish up in a 36-month contract with still two months left to go, whatever your balance might be, you can then add, rewrite this loan, and again, at 18 per cent for 36 months. Now, that to me is a pretty decent sized interest rate to continue on the merry-go-round. Debating one section of this bill, which is the 36 month restriction, in the 105th and the 106th, and suggesting these things would happen — of course, I was drummed down very badly, but it did happen — and another large difference in the Report C versus Report A was in Report C I have suggested, perhaps, the ten dollar charge be placed on the BankAmericard, the bank card — they have them from the Northeast Bank called the Rainbow Card — Canal calls them BankAmericard. And I suppose each bank has their own name for their own credit card. But you all remember these cards were dispensed indiscriminately, dispensed, almost, to occupants of the houses all through the State. And part of the argument in destroying the small loan companies position was the fact these people were putting them on a credit

merry-go-round. Now if any one of you would just pick up that ad offering free checking account and free checking account and free easy credit and stand-by cash reserve — that is a nice word, stand-by cash reserve — that means you borrow \$500 that sits in the bank for you, you may never use them, you still pay interest rates on it. Not a bad deal at all. You talk about a credit merry-go-round. You have somebody with a credit card like that in their pocket, they are \$500 in debt continually, all the time, all the time. And the banks advertise that at 18 per cent. It is not 18 per cent; not 18 percent. Probably the people on the floor of this House don't realize that when you use your credit card for \$100 worth of merchandise, the merchant you are buying from does not get \$100. He might get \$96, but you pay interest on \$100 because you use the BankAmericard. We are taking over the problem of billing, we are taking over the problem of billing for the merchant. And for that we are allowed a discount to the merchant. So in reality what they are getting is 22 and 26 per cent interest rate on the small, on the same small loan, if that be the word.

If you go to that credit chart — and I have been challenged on section of it, the credit sent around — under motor vehicles it says the contract rates presently are 12.83. And the proposed rate under the new motor vehicle financing law was 18 per cent. And it says minimum. Now the word minimum perhaps is misleading. The word mini to my way of thinking means, in the automobile business, and I have some knowledge of what happens on a conditional sales contract in the automobile. The 18 per cent would be the allowable rate the automobile dealer can charge his customer. Any of you people bought a car in the last year and a half it may come as no surprise to you that the automobile dealers now have people sitting in their automobile agency who do nothing but arrange your finance for you. They arrange your finance for you and they even sell you insurance. Now that is just a service they are performing for the bank, of course. They don't benefit, no profit to it, only about 12 per cent.

I am sure there will be all kinds of debates against my position on this. I am sure somehow that somebody will force me to my feet again. But I would hope in the interests of the consumer that Report A would not be the report that you would accept. And if we are to have a consumer credit bill, let's not have to have a bill that is jammed through just by the sheer beauty of its title.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker and Ladies and Gentlemen of the House: I hope we do indeed bring Mr. O'Brien to his feet again. I very much enjoyed his discussion of this.

I think what we should consider, though, on this bill is that like any major piece of consumer legislation, and this is a complicated bill, it has many parts to it, and I don't think it should be put off by its complication and parts, nor do I think you should look at any one aspect too much. I think you should consider the whole. There were 82 pages of amendments. And I submit that the 82 pages of amendments were very valid attempts to possibly kill the whole bill. The bill is, its birth was from a number of compromises and a number of meetings. And like any complicated bill it has a number of parts. Not everybody is happy with all of these parts. But it is a compromise. And I feel it does work in its total parts.

It has a benefit to the State of Maine in that it brings all of our consumer laws into one heading. It puts them in one spot where they are easy to get at, and it fills in many holes and blank places and loopholes we now have. An example of this is the industrial loan companies. The court rulings on this have made the industrial loan companies credit laws completely unusable. No one knows where they even stand. This would clarify this.

A lot will be said here about credit rates. And I tend to agree with Representative O'Brien that possibly these credit rates should be changed. And we are planning to present an amendment in the second reading of this bill which would change these credit rates. And I think will tighten it a great

deal, will make it a far better bill. But it must get to the second reading in order to have this done. Beyond the rates, though, I think you should consider that there are very strong consumer things that have nothing to do with the credit rates. For example, if you buy, now, if you buy goods on credit you start paying immediately, often before the goods ever reach you. This bill would change this so that now when you buy goods on credit you wouldn't start paying the interest on it until you received the goods.

Attorneys fees on collection of bills. This bill would change it so that the attorneys fees on loans of 12 per cent or over, they couldn't charge you. The attorneys fees. Also, it gives someone twenty days to pay up on defaulted payments. And I think this is a very important thing. There are a number of things that have nothing to do with credit rates but are very important to the bill.

And I hope you will consider the bill. And I hope you will accept the majority report on the bill, and will allow us to go on to second reader where we can work with these credit rates and possibly present some amendments changing them and modifying them.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LACHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I think I would like to try to clarify a few statements that I heard or that I may have misunderstood.

First of all, the gentleman from Portland, Mr. O'Brien, stated that BankAmericard and other bank cards are issued indiscriminately. I don't believe this to be so. I think that credit checks are performed and the cards are issued on a discriminate basis.

I also understood him to say that the interest paid on stand-by reserve is paid even though you don't use the money. And again, I don't believe this to be so. I have a BankAmericard, and I don't pay interest on any money that I don't use. The money is there if I happen to need it. And if I do use it then I pay the interest, which I understand quite clearly.

Also, I would hope you would adopt the Report A of the Committee and not Report C of Mr. O'Brien's.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I was the original sponsor of this and believe me, I am not the draughtsman of it. I was the original sponsor in the 105th legislature and the 106th legislature. I did it at the request of a number of people who were interested in this code, a number of interests.

When I introduced it in the 105th legislature we went to hearing which handles a great deal of opposition to the bill. At that point I withdrew it. And a study committee was formed consisting of bankers, merchants, consumer groups, all others who were interested in the credit rate structure. When we came back to the 106th most of these groups had cleared up their misunderstandings; had gotten the things amended a little; very small substantive amendments in actuality. They came back to the 106th regular session and there were still some objections to it. And there was another study conducted. In this special session there was near a unanimity on all aspects of this credit, this present rate structure.

Again; merchants, bankers and consumers are all on the same side. They all are in support of Report A.

Now, just let me give you an overview of what the structure is that this bill establishes. As you recall, several of us time and again have been involved in debates concerning whether or not we should change the rate structure for small loan companies. Time and again I have stood before this House and asked that that rate structure, those rate ceilings, the 36-month rule, not be repealed. Each time the House has honored that request, and usually by a very large margin. We considered that the 36-month rule and the rate structure that applies to small loan companies to be fair and equitable structure on the whole. What this bill does, is superimpose that rate structure over the entire industry. That is why consumers are interested in it and the industry itself knows that this sort of thing is coming and that is why they have cooperated

with it. In fact, most of the credit institutions, as you know, come nowhere near the rate, rates, that the small loan companies have in the past. And it wasn't the 18 per cent that Mr. O'Brien referred to that we were concerned about when we passed the small loan act. It was the 30 per cent, 36 per cent. Those were the rates that we were concerned about. 18 per cent, for a long time, has generally been considered in the range of admissibility.

So what this Act with respect to interest rates does is to give unanimity, uniformity to the entire credit structure in the State. That is why it is good. It is predictable. You know what you are doing, both consumers and lenders. That does not say that you have to charge the full maximum. And in many instances the full maximum won't be charged. It is not being charged now.

For instance, on the fact sheet, so-called, that Mr. O'Brien has passed around this morning, it implies that interest rates on new cars is 13 per cent, or very near it. Well, my information indicates it is around 11 per cent. Indicates that there is going to be a maximum of 30 per cent placed upon sales of new cars where credit is required. The fact is that maximum will only be imposed, will only be possible if you get the money from an unlicensed lender. There aren't many of those around. The 18 per cent will apply as the maximum in the motor vehicle area. The fact is that the 11 per cent is already below the maximum ceiling that has been set. This is one area where real competition has kept interest rates at a very low level. This is not going to be affected by this bill.

Let's drop down to the Small Loan Law. In the Regular Session of the 106th Legislature, we had two bills, perhaps three, but at least two bills before this Legislature, to clarify the small loan and the industrial loan law. In both instances the Legislature refused to clarify it. We had suits in this State where it showed interest rates were charged up to thirty per cent by industrial banks. There are all kinds of gimmicks played in this area; add-on rates, discount rates, all matter of ways of getting around the rate structure. The fact is that this bill is,

for the first time, Point A, for the first time, poses an effective rate, ceiling, on industrial loan companies. The fact is that there are compromises in this bill. This is a big bill. The structure is good, the statutory structure is sound. All the people in all the interests that I have talked about have been in on this, the support of it, so I think it would be a mistake now, on the basis of what one man has written, to turn around and reject all the work that has been done over three years, in order to get this bill ready for you to consider today. I hope you do not. I hope you will accept Report "A", as Representative Trask asks.

The SPEAKER: The Chair recognizes the Gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought Not To Pass" on this bill. I put in a good many hours along with the other people on the committee, not only here in the House, but through the Summer on the hearing Committee. We heard a great deal of testimony. But it boils down, in the first place, to one thing that has been overlooked by previous speakers; and that is that this legislation sets up another bureau. I repeat, yet another bureau. At present, this type of thing is handled by the Banking Committee and the Attorney General's office. I would have you note that the Attorney General's office was the only one at the final hearing that says, "we do not approve this bill". All others that came in with their eighty-one pages of amendments says, "this bill is a fine bill but" — and then they came up with their amendments that it should have. This was in the very final stages just before the bill was put out for printing.

This has been called the U-Triple C, the U standing for Uniform. This bill is anything but uniform as far as other bills that have been promulgated for the rest of the states and enacted by the rest of the states. As a matter of fact, very few of the states have a credit code at all. This is a complete new area. A great deal of work has gone into it. But in my opinion, a great deal more work goes into it. And I would call to your attention the sheets that Mr. O'Brien, the Representative from Portland, did put

out. There is a great deal of fact in here. There is a great deal to the statement that I think he asked you to consider this as an merchants code rather than consumer code.

I would point out one other thing along that line; that these merchants, before they get their eighteen per cent interest, have also gotten a good profit. They say, "well, we got fifty per cent." Actually, that's usually a hundred per cent markup. In other words, if you go in and buy a piece of furniture that the merchant has paid \$50.00 for, you pay a hundred dollars for it. And then he turns around and gives you this lovely deal where you can pay eighteen per cent until you get it paid for.

I think we are going to guarantee too much in the name of something that has the name "consumer" tied to it. We are raising the present rates, as indicated on this white sheet that Mr. O'Brien passed out. And I ask you not to vote for this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I am a signer of the Majority "Ought to pass" report on the redraft of the Consumer Credit Code.

And in response to the remarks by the gentleman from Lubec, Mr. Donaghy; if he wishes to amend the bill, to entitle it anything else, he is free to do so. Please not be misled by the ominous threats that still another bureau will be created in the ever-increasing version of State bureaucracy. For indeed, one of the most important sections of this bill will provide for adequate enforcement of the consumer's rights, through both individual and State action.

This bill does establish a State official whose sole responsibility is to protect borrowers from those creditors who choose to violate the law. This official is armed with a variety of powers. He can obtain fines, injunctions, restitution for grieved consumers, and even get a performance brought against future violations. Above all, ladies and gentlemen of the House, his office would be so financed from fees and charges paid by creditors.

Much has been said of the history of

this bill and indeed it was part of the Governor's Legislative Program, as far back as the 104th Legislature. Yes, I am the sponsor of the bill before the Special Session, L. D. 2451, of which L.D. 2582 today before us is a redraft. Yes, I urge you to support the pending motion by our House Chairman on the Committee of Business Legislation, the honorable gentleman, Mr. Trask, from Milo. And when the vote is taken, Mr. Speaker, I would request the Yeas and Nays.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought Not to Pass" Report on this L. D., Report B. And I would like to relate to you the reasons why I did.

Last winter, during the Regular Session, we passed out a bill which created the Department of Business Regulation. I was against that bill. The State hired a Commissioner, a Mrs. Wilde, to head it up, and I have nothing against her. She is a very capable lady, doing a fine job. But the argument has been against the creation of this department, seems quite valid now. Some called it pyramiding, and we didn't need this. The Department of Banking and the Department of Insurance operated under completely different philosophies. And why did we need to create an additional commissioner? Hopefully, with knowledge of both departments, with a salary of approximately \$25,000 a year, plus office, plus secretarial help, which probably totals \$40,000 a year simply to establish a better liaison between the Chief Executive and his Department Heads? Some called it pyramiding and some called it an octopus, which reaches out and grabs for more. Those arguments obviously did not prevail because the bill passed. The bill became effective October 3, 1973. And now, less than six months later, we have before us another bill to create another department within this pyramid, called the Department of Consumer Protection. I wonder what this will cost the taxpayers, and is it really necessary? The bill says that it is self-funding. If the Insurance Department and the Banking

Department, which are no less complex, and which receive dedicated revenue through licenses and fees, must go before Appropriations annually for funds, and the Insurance Department nearly \$100,000 annually, the Banking Department in excess of \$100,000 annually. Well, how long will it be before this new department requires funding? I think it is unnecessary, and that we are creating bigger, and bigger bureaucracies with more and more expense to the taxpayers. It has a lot of emotional appeal to some, but at what cost to the State of Maine?

Now, if some lending institutions are abusing interest rates or finance charges, make the Banking Department crack down. This is their job. Give them the tools and the personnel and not create a whole new department with a director and staff and whatall.

It is my understanding that for some time now a commission has been studying a recodification of the banking laws. This new code should be ready for the 107th. It will correct the problems covered in this L. D. without the necessity of creating an additional department at additional cost to the State. I don't see any emergency in this bill. The 104th had a similar bill and did not pass it. So did the 105th. Why should the 106th pass it out when recodification of the banking laws will take care of the problem without creating additional departments and costs to the State?

We have eliminated the problems of the small loan companies. And now if some lending institutions or revolving charge accounts are not complying with the present laws; well, let's enforce them. Between our present and future banking laws, plus the Department of Consumer Fraud Division of the Attorney General's Office, we should be able to take care of the problems without creating new departments. I hope you will not accept the "Ought to pass" Report, Report A, but accept Report B, ought not to pass.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would be derelict in my duties if I did not respond

to the gentleman from Westbrook, Mr. Deshaies. For I am, indeed, surprised that he has the vision or faith to the extent that the current commission studying possible recodification of the banking laws will take care of consumer oriented legislation. I guess we are on different sides of the fence on that issue.

I think this is an emergency measure and should be dealt with in this Special Session of the 106th. The issue has been around for three Legislative Sessions. And indeed, the 106th, during the Regular Session, failed to deal with it. And per passage of a House order sponsored by Representative Trask of Milo, sent this go out for further study. And yet the committee on Business Legislation, which had been involved with the Maine Consumer Credit Code for three sessions, was assigned the duty of studying. The composition of the committee changes, and, indeed, it will change in the 107th, for none of us, or any of us, are guaranteed reelection. And some of the members of our committee are not running for reelection. So, it is important not to put all the eggs in one basket, so to speak, and place the enforcement of all those transactions which guide and / or administer the credit industry in this State on the yet formulated, yet drafted, yet accepted, yet referred and yet reported out of committee laws which will come before the 107th. I urge your positive vote on the pending motion.

THE SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

MR. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: Now this bill deals almost exclusively with the interest rates which banks and finance companies charge, and the proponents have called it a consumer bill. Yet, there is the practice which I am not totally familiar with called reserves or kickbacks, if you will, which some lending institutions are engaged in constantly. It amounts to three or four per cent kickback to the matcher, be it a used car dealer, furniture dealer or whatever. Now, this charge is tacked on to the cost of merchandise and the consumer pays for it. It is sometimes called account reserves.

Now this is a so-called consumer bill, yet, it never comes near this problem. The consumer is totally ignored here. I think this bill is only a half-way measure, totally inadequate, and the recodification of the banking laws should correct this problem and we should use this route rather than create yet another bureaucracy. I hope you will not go along with the "ought to pass" report but accept Report B, "Ought not to pass".

Mrs. Clark of Freeport was granted permission to speak a third time.

Mrs. CLARK: Mr. Speaker and Members of the House: I have a list of benefits to the consumer of the Maine Consumer Credit Code. The Maine Consumer Credit Code is directed toward protection of Maine's consumers, much more so than the yet drafted legislation again coming out of the bank study commission.

How would the consumer benefit? I have already mentioned that this code would create an enforcement office which is self financed, and whose sole responsibility is to protect borrowers from those who violate their legal rights.

This code would extend the 36-month rule to all lenders who charge at very high interest rates (over 18 percent). It also sets up a two-track system for credit, a high rate, short-term track to provide necessitous loans for poorer risks; and a lower rate (18 percent or less) track which can make credit continuously available for most of Maine citizens.

It extends prohibition on balloon payments from home repair contracts only to all contracts.

It extends prohibition of referral sales frauds from home solicitation sales only to all contracts.

It extends present requirements on acknowledging payments from small loans to all contracts.

It extends prohibition of holder in due course to include credit cards and interlocking loans.

It extends present protection against credit insurance abuses from small loans to all contracts.

It extends protection against harassing collection techniques from collection agencies only to all creditors.

It prohibits sellers of merchandise

certificates from charging interest until the goods are delivered.

It prohibits deficiency judgments in transactions involving \$1,000 or less; for example, furniture and appliances.

It prohibits charging the borrower with the creditor's usual exorbitant attorney's fees.

It prohibits "pyramiding" of default charges.

And lastly, credit availability will be kept constant, pending the receipt of hard data on that problem.

I submit to you, ladies and gentlemen of the House, that this, indeed, is a consumer protection measure.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I can tell by the number of vacant seats how much interest we have in the debate here this morning.

Mr. Speaker, do we have a quorum?

The SPEAKER: A quorum has been requested. The Chair will order a vote. All in their seats kindly vote yes or no.

A vote of the House was taken, and a quorum was present.

Mr. O'BRIEN: Mr. Speaker and Members of the House: I should apologize for that. I— really didn't mean that, it just slipped out when I asked for a quorum. I really believe this is real heavy reading and not very interesting reading, and I don't blame anybody for walking out in the hall and having a smoke out there.

Let me just mention a few things that were brought up in debate, and then maybe we can get on with the vote. I will start first with Mrs. Clark, of course, because she was the last speaker and she read a very, very lengthy list of benefits that are derived from the Consumer Credit Code bill, and I agree with her. So does Report C include the same list that she read. Report C encompasses everything she mentioned in her long list of consumer benefits; besides, I reduce the rates.

I find it amusing that after two years of study and kicking this bill around that the very people who have been studying and kicking it around and debating it

and hashing it and redrafting it now say, "get me to the second reader and then we will offer amendments." Well, let me say this, rather than get Report B to the second reader and try to offer amendments whereby we reduce the interest rates, let's take Report C to the second reader, and let's find out then how they want to increase the rates.

Now, Mr. Smith, the gentleman from Dover-Foxcroft spoke about 11 percent rate and the 12 percent rate and none of the banks and the merchants were presently using the rates that is allowable under the law. Well the rate suggested by myself, 15 percent, as he stated, did not use that rate yet. So, why double it, why go to 30 percent? Let's take my report, Report C, and if he so desire amend that one not amend Report A.

While I am on my feet, speaking about amendments; during the year and a half, and especially during the final closing days of the arguments in this committee for and against the different reports from the Business Committee legislation, I offered proponents of the measure on the committee amendments, continual amendments, reducing the rate of interest. And each time my amendments suggested were rejected ten to one. Then they wonder why I have my own report. I buy the consumer credit code if you would take both bills and put them side by side. The only vast difference is in the rate structure. Now, over and over and over again in committee we tried to change the rate structure. Why suddenly today they suggest, "please bring Report A to the second reader and then we will let you amend it? Let's bring Report C, it is the same bill; the very, very same bill, word for word, except for the rate structure. And there is the change in the \$10 I wish to charge for the consumer credit card, and one other small change that I want to extend the length of time which you have recourse to the lender to six years, and Report A says two years. I don't consider that a very major change of the bill.

I am in favor of the consumer credit code. It goes right with Mrs. Clark's list. The list in the entirety comes right down to the very thing I am talking about. So

we will take Report C, reject Report A pass Report C on to the second reader, and then if they want to amend the rates upward, let them so do it.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for speaking again but I just cannot let go unanswered some of the things that Representative O'Brien said I said. First of all I did not advocate a 30 percent interest rate ceiling. The small loan act that was enacted several sessions ago; there is a 30 percent ceiling on the first \$300. After that the rates are drastically reduced in increments. And after 36-months all of the interest rates must be reduced to a level to allow the person getting credit to pay off his loan. That is a sound provision. We enacted it several legislatures ago. We have sustained it since then. And now we are applying it to all institutions and they don't object.

Now, the effect of Mr. O'Brien's proposal, he says, is to reduce interest rates. But yet, the kind of reduction that he is talking about may well create a great deal of chaos in the credit market.

I would like to read you a few lines of a letter I received from the gentleman who is chairing the study commission that somebody referred to here this morning that is revising the banking laws or is proposing some provisions to the banking laws in its recodification. And he is also, by the way, one of the prime draftsmen of this bill, and there are no inconsistencies between the two.

I would like to read you a few sentences. "The Maine 3-C", this bill that we are talking about, Report A, sets rate ceilings at approximately the same level as now in use. Small loan type rate ceilings are not changed for revolving account and other lend-a-credit. The effective ceiling is now 18 percent. The regular session," and this is important, "the regular session of this legislature established that 18 percent ceiling and rejected the 12 percent amendment and that was also rejected" and enacted L. D. 52, Chapter 615 of the Public Laws. The 18 percent rate is in wide use and no one knows what would be the effect of a cut back. Credit Unions are still permitted to lend at 12 percent as now."

Another paragraph that I think you ought to hear, "Forty-eight states have rate ceilings at 18 percent or higher. Only two states, Arkansas and Georgia, and the District of Columbia have rate ceilings of less than 18 percent. Two of them, Arkansas and Washington D.C., are known to have extensive credit shortages which have been extensively written about, in both states. In both regions the situation is so bad that loan, small loan companies, line their borders. We, on the other hand, have avoided these problems by our present rate structure." It is that rate structure that I am asking you to maintain here today; to enact Report A that has many of the advantages that Representative Clark has told you about, that is a strong bill that has been gone over and over by not just the committee but others who were interested. It has the support of consumers, the organization Combat, for instance. And I think we would be remiss today, on the basis of one man's signature, to rearrange the entire rate structure of the state and possibly create a great deal of chaos, chaos that is going to come back to haunt you on the main streets of your home towns, because you are talking about rearranging the credit structure that some of your merchants operate under. So please, accept Report A.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I had intended to let this rest in your good judgment, but after the last speaker, I just must tell you that when the chairman of this committee and the drafter of this bill is brought up as a Messiah, I think we ought to think a couple of times on this.

The drafter of this bill was cautioned by the National Commissioners on Uniform Credit Code of some of the dangerous ground he was treading on in the drafting of this bill. He is at definite odds with our Banking Commissioner on some of these rates and the way it is being handled — I am sorry, not the Banking Commissioner but the Commissioner of Business Regulation, whose name has been before us this

morning. I don't think that we should accept the fact that all is well because the good professor has said it is.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I would like to just read into the record something that I did do in a news announcement last week. In that news announcement I commended the 106th Legislature in special session, because the Maine House has been considerate to the Maine consumers during this complete session. We passed legislation here which would have put real enforcement into the Maine Milk Commission, which would have reduced the price of milk. We did pass a no-fault insurance bill that was consumer oriented. We did pass a minimum wage for \$2.20, which was again geared to the people of Maine, and we did pass legislation that would allow prescription drug price advertising. I am sure that we will continue this practice today by supporting Report C, which Mr. O'Brien has placed before us, defeating the other report.

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

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

Mr. Deshaies of Westbrook was granted permission to speak a third time.

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I am not certain that everyone has had a chance to study Mr. O'Brien's fact sheet that was passed around. What it boils down to is that the small loans have a very very high interest rate, and the larger the loan, the lower the interest rate. I hope you don't go along with Committee Report A. This is a totally unnecessary creation of a new department with additional cost to the State.

The recodification of the banking laws will handle this. Let the Banking Department and the Consumer Fraud

Division handle this problem. We don't need additional departments with directors and staff, costs and whatall.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Milo, Mr. Trask, that the House accept Report A, "Ought to pass" in new draft, House Paper 2043, L.D. 2582. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Bustin, Cameron, Clark, Connolly, Cooney, Cressey, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farnham, Flynn, Gahagan, Garsoe, Goodwin, H.; Greenlaw, Hamblen, Hancock, Hobbins, Immonen, Jackson, Knight, LaCharite, Lawry, Littlefield, Maddox, Mahany, Martin, McKernan, McNally, Morin, V.; Murray, Peterson, Rollins, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, White.

NAY — Berry, P. P.; Berube, Binnette, Brawn, Brown, Bunker, Carey, Carrier, Chick, Chonko, Conley, Cote, Cottrell, Curran, Dam, Davis, Deshaies, Donaghy, Dunn, Faucher, Fecteau, Ferris, Finemore, Fraser, Genest, Good, Goodwin, K.; Herrick, Hoffses, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maxwell, McCormick, McHenry, McMahon, Merrill, Morin, L.; Morton, Mulkern, Najarian, Norris, O'Brien, Palmer, Parks, Pratt, Shaw, Simpson, L. E.; Soulas, Sproul, Stillings, Strout, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Briggs, Carter, Crommett, Dudley, Dyar, Evans, Farley, Farrington, Gauthier, Huber, Jacques, Lewis, E.; McTeague, Mills, Murchison, Perkins, Pontbriand, Ricker, Rolde, Ross, Santoro, Sheltra, Tanguay, Trumbull.

Yes, 55; No, 70; Absent, 25.

The SPEAKER: Fifty-five having voted in the affirmative and seventy in the negative, with twenty-five being absent, the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I move the House stand adjourned until nine o'clock tomorrow morning.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the House stand adjourned until nine o'clock tomorrow morning. Is this the pleasure of the House?

(Cries of Yes and No)

The Chair will order a vote. All in favor of adjourning until nine o'clock tomorrow morning will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

Thereupon, the House adjourned until nine o'clock tomorrow morning.