

# 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**

Thursday, March 21, 1974

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

Prayer by the Rev. Gary Vencill of Randolph.

The journal of yesterday was read and approved.

**Orders Out of Order**

Mrs. Lewis of Auburn presented the following Order and moved its passage:

ORDERED, that Jane Williams and Lynn Cummings of Auburn 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 John E. Tozer, John E. Ceckler, Joan E. Libby of Orono and Steven C. Helmke of Veazie be appointed Honorary Pages for today.

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

**Messages and Documents**

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

March 22, 1974

To the Honorable Members

of the House of Representatives:

In accordance with my opening message to the Special Session, I am presenting a special report demonstrating a priority program budget approach and format for departments selected by the Appropriations Committee.

This report, "An Example of a Program Budget," has been prepared by the State Budget Office and I am pleased to submit it for your information.

Sincerely,

Signed:

KENNETH M. CURTIS

Governor

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE

One Hundred and Sixth Legislature  
Committee on Public Lands

March 19, 1974

Honorable Richard D. Hewes

State House

Augusta, Maine

Dear Speaker Hewes:

The Joint Select Committee on Public Lands 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

2

Ought Not to Pass

1

Leave to Withdraw

1

2

Sincerely,

Signed:

LARRY E. SIMPSON

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE

One Hundred and Sixth Legislature

Committee on County Government

March 19, 1974

The Honorable Richard D. Hewes

Speaker of the House of Representatives

House Chamber

State House

Augusta, Maine 04330

Sir:

The Committee on County Government is pleased to report the completion of that business of the first special session of the 106th Legislature that was placed before this committee.

Total Number of Bills

Received

11

Ought to Pass

5

Ought to Pass as Amended

2

Ought to Pass in

New Draft

3

Divided

1

Respectfully,

Signed:

CARROLL W. FARRINGTON

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

## THE SENATE OF MAINE

Augusta

March 20, 1974

Hon. E. Louise Lincoln  
Clerk of the House  
First Special Session  
106th Legislature  
Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act Eliminating Waiting Period under Employment Security Law" (H. P. 2046) (L. D. 2578)

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Orders**

Mr. Evans of Freedom presented the following Joint Order and moved its passage:

WHEREAS, the Maine State Grange, an organization representing the oldest farm-family fraternity in the Nation, is located in the State of Maine with a membership of 25,000 junior and adult members in 325 local Grange units; and

WHEREAS, the Maine State Grange has long given courageous leadership in resolving social, economic and moral issues facing Maine families; and

WHEREAS, the Maine State Grange has faithfully promoted the causes of better agriculture and rural life in our State; and

WHEREAS, the Grange members throughout the State are noted for their dedication to home, church, community, State and Nation; and

WHEREAS, the Maine State Grange is celebrating its 100th Anniversary on April 21, 1974; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, now assembled in special legislative session, take this opportunity to recognize and honor this outstanding fraternity for its contribution to the good life in Maine and wish its members continued success as the Maine State Grange enters its second century of service to the citizens of rural and urban Maine; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to the Master of the Maine State Grange and to the Master of the National Grange in token of the sentiments expressed herein. (H. P. 2070)

The Order was read and passed and sent up for concurrence.

Mr. Hancock of Casco presented the following Joint Resolution and moved its adoption:

WHEREAS, the National Traffic and Motor Vehicle Safety Act of 1966 permits the Secretary of Transportation to impose certain standards for seatbelts and other safety devices; and

WHEREAS, in accordance thereto, motor vehicles are being equipped elaborately with starter interlock systems associated with seatbelts and upper torso restraints; and

WHEREAS, such systems, which are not optional, have added substantially to costs and are generally considered an unreasonable restraint on freedom under the disguise of safety; such apparatus has exceeded any realm of practicality; now, therefore, be it

RESOLVED: That the Members of the House of Representatives and Senate of the 106th Legislature of the State of Maine do hereby protest further federal standards and equipment requirements for starter interlock systems associated with seatbelts or upper torso restraints and hereby urgently request passage of H. R. 10277, "A Bill to Amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes," now before the first session of the 93rd Congress of the United States; and be it further

RESOLVED: That the Secretary of State of the Senate of Maine notify each Senator and Representative from Maine in the Congress of the United States of this action of the Legislature by forwarding to each of them a certified copy of this Resolution. (H. P. 2064)

The Resolution was read.

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

Mr. HANCOCK: Mr. Speaker, Ladies

and Gentlemen of the House: You are probably aware, at the present time there is a federal law that requires an interlock system whereby you cannot operate your car, you cannot even start it unless seat belts and shoulder restraints are in position. It is my opinion and the opinion of some other people that this creates an unusual demand on the motorist and could result in an adverse safety factor.

Therefore, I am introducing this resolution to support a bill that is now before Congress, introduced by the Honorable Lewis Wyman, the Congressman from New Hampshire, and what the bill would do would be to put, if passed, this legislature on record as being in favor of eliminating the legislation and would so notify our Senators and Congressmen in Washington.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: As you know, I attended the Seatbelt Conference in Washington this fall, I believe it was, for the legislature. During the conference, this was brought up and two-thirds of the people who were there were against this. I think probably this came out of the conference.

We should also note, and I would like to see in this order that there is a move on for mandatory seatbelts, both lap and shoulder, and taking away federal funds for those states that do not go along with that. I would like to see mentioned in this order or another order that we would also not approve of mandatory seatbelts.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending adoption and later today assigned.

#### **House Reports of Committees Leave to Withdraw**

Mr. Simpson from Committee on Public Lands on Bill "An Act Creating the Maine Forest Resources Regulation Act" (H. P. 1953) (L. D. 2500) reporting Leave to Withdraw.

Report was read.

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

Mr. LYNCH: Mr. Speaker and Members of the House: You will notice that this is a Leave to Withdraw. This is the bill that was presented in the regular session last year. It was referred to study by the Natural Resources Committee, and that was not done. In the special session the bill was reintroduced. It was referred to Public Lands because the Public Lands Committee, in traveling around the State, was thoroughly convinced that the people were definitely interested in some sort of forest practice regulations.

Now, because of the complex bills that the committee had on hand, insufficient time was available for making a definite recommendation on forest practices. This bill was redrafted four times. The committee staff was working on a draft of its own, and there just wasn't time enough to complete it. But I think this will be back because for the first time in the history of the State of Maine, it has cut more wood than is being replaced in natural growth.

While I am on my feet, Mr. Speaker, I would like to publicly acknowledge and have it on the record, an acknowledgement of the excellent staff the committee was afforded, and I would like to pay tribute to the Assistant Attorney General, Lee Rogers, to Nancy Ross, to her department and to Lee Hoar. They did an excellent job for the committee.

Thereupon, the Report was accepted and sent up for concurrence.

#### **Ought to Pass Printed Bills**

##### **Passed to Be Engrossed**

Mr. Maddox from Committee on Public Utilities on Bill "An Act to Incorporate the Vinalhaven-North Haven Water and Electric District" (H. P. 2065) (L. D. 2597) Emergency, reporting pursuant to Joint Order (H. P. 2031) that it "Ought to pass"

Mr. Pratt from Committee on Veterans and Retirement on Bill "An Act to Create the Enlisted National Guard Association of the State of Maine" (H. P. 2067) (L. D. 2598) reported pursuant to Joint Order (H. P. 2055) that it "Ought to Pass"

Reports were read and accepted and

the Bills read once. Under suspension of the rules, the Bills were read the second time, passed to be engrossed and sent to the Senate.

**Ought to Pass in New Draft  
New Draft Printed  
Later Today Assigned**

Mr. Cooney from Committee on State Government on Bill "An Act Changing the Membership of the Legislative Ethics Committee" (H. P. 1716) (L. D. 2109) reporting "Ought to pass" in New Draft (H. P. 2069) (L. D. 2599) under same title.

Report was read.

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

Mr. FARNHAM: Mr. Speaker, I move the acceptance of the unanimous "Ought to pass" Report in new draft.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Farnham of Hampden to accept the Committee Report and later today assigned.

**Order Out of Order  
Later Today Assigned**

Mr. Stillings of Berwick presented the following Joint Order and moved its passage:

WHEREAS, one of the most difficult and complex problems in government is the setting of compensation for public officials; and

WHEREAS, this is especially true for Legislators who must participate in the process by which their own pay is adjusted; and

WHEREAS, in order to determine what is fair, just and reasonable compensation for Maine Legislators, a commission consisting of citizens independent of the Legislature was selected; and

WHEREAS, the Legislative Compensation Commission recognized that the relationship between performance and compensation was an imperfect one, thus encouraging this Legislature to take some first steps to reduce that imperfection; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and

the House of Representatives of the One Hundred and Sixth Legislature, now assembled in special session, take this opportunity to commend the several members of the Legislative Compensation Commission for their timely and valuable advice concerning legislative compensation and express our sincere thanks for their constructive recommendations aimed at ensuring that membership in our citizen Legislature will continue to be open with dignity to every citizen; and be it further

ORDERED, that suitable copies of this Order be prepared and presented to each commission member in recognition of the performance of their duties. (H. P. 2072)

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

(On motion of Mr. Talbot of Portland, tabled pending passage and later today assigned.)

**Second Reader  
Later Today Assigned**

Bill "An Act Creating the Maine Consumer Credit Code" (H. P. 2043) (L. D. 2582)

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

Mrs. Boudreau of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-777) was read by the Clerk.

THE SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This amendment introduces a step rate system on revolving charge accounts and lender credit card accounts. In both cases, the interest on purchases up to \$500 will remain the same as it is right now, 18 per cent on the unpaid balances. Purchases from \$500 to \$1,000 will go to 15 per cent. Anything over a thousand, 12 per cent. This variable rate reduces gradually to reflect lower costs in larger accounts. This will discourage undue extensions of credit to people who can least afford to pay, and you can be sure anyone, any consumer who is allowed

credit over \$500 a month has to be a good risk. Therefore, the loss ratio will be much less, and this amendment reflects the lesser risk involved.

There have been complaints that the consumer credit code is oriented to the low income group. This amendment will give some relief to the middle income group. Therefore, I ask your support on this amendment.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: It is always with great regret that I speak against the gentle lady from Portland, Mrs. Boudreau. The issue that is presented here was really fought in the regular session. It, like the small loan battle that we had, was decisively decided then.

It is my fear today if we adopt that, it is going to cost us this bill. So I would hope that we would be able to turn down this amendment. Perhaps we can take it up again in the regular session. My fear, I think, is very well founded. This is a large bill. It has got a great deal of support as it is in its present form. And if we adopt this amendment, I fear for it. I fear that we will lose the extension of the 36-month rule that we all want over the entire credit industry. I fear that we will lose the prohibition on balloon payments which we all want. I fear that we will lose the consumer protection on the prohibition of referral sales frauds. I fear that we will lose the holder in due course extension prohibition. I fear that we will lose the protection against credit insurance abuses. I fear that we will lose the protection against harassing collection techniques that this bill prohibits. I fear that we will lose the protection against exorbitant attorney fees which this bill prohibits. I fear that we will lose the pyramiding prohibition on default charges.

There is much in this bill we need. It is important to all Maine people. The issue presented by this amendment has been decided before; it has been decided decisively. I think it ought to be considered again at the regular session. So please, I implore you today to turn this amendment down, keep this bill intact and keep it alive.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: This amendment has nothing to do with all those other sections of the bill. This is only concerning revolving charge accounts and credit cards. Thirty-two states have lower rates than Maine. Some of our neighboring states, Connecticut, one per cent on the full amount; Massachusetts, New York and Vermont, one and a half per cent under \$500, one per cent of everything; New Jersey, one and a half under \$700, one per cent above; Pennsylvania, one and one quarter per cent on the total amount.

I know there has been heavy lobbying against this amendment. Some of these people lobbying against it are chain outfits. They are operating in these other states successfully, why should they bleed Maine?

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing my good friend from Milo speak about fearful of everything, he had a lot of fears. I think he shouldn't worry. He should worry more or less about fear of fear itself. I think the lady here from Portland has a pretty good idea, this amendment. I don't think it is going to affect this bill at all. This bill is so big here, I think you could put a hundred amendments on it and it still wouldn't hurt it.

I sincerely hope that this amendment receives passage.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess this is not one of the amendments that I think would cure some of the problems that maybe some people might have with the particular bill. I happen to agree that during the regular session we went through a relatively long and arduous debate on this very same subject relative to interest rates, and they haven't even had a chance to operate with them yet, and I think to start to

change them in this particular bill is not the time to do it. I think if we really want to see this bill move along, we should not start to clutter it up with a lot of amendments which is sure death for the bill, and I would urge that we not accept this particular amendment.

Mrs. Boudreau of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 gentlewoman from Portland, Mrs. Boudreau, that House Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Chonko, Churchill, Cooney, Cote, Cottrell, Curran, Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Emery, D. F.; Evans, Farley, Fecteau, Finemore, Flynn, Fraser, Gahagan, Gauthier, Genest, Goodwin, K.; Hamblen, Hancock, Hobbins, Hoffses, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Mahany, Martin, McCormick, McHenry, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Najarian, O'Brien, Parks, Rolde, Santoro, Shaw, Sheltra, Shute, Silverman, Snowe, Soulas, Sproul, Stillings, Talbot, Theriault, Tierney, Trumbull, Twitchell, Tyndale, Walker, Wheeler, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Ault, Birt, Bither, Bragdon, Bustin, Clark, Cressey, Curtis, T. S., Jr.; Farnham, Farrington, Ferris, Garsoe, Good, Greenlaw, Herrick, Immonen, Littlefield, MacLeod, Maddox, Maxwell, McKernan, McMahon, Murray, Norris,

Palmer, Peterson, Pratt, Rollins, Ross, Simpson, L. E.; Smith, D. M.; Smith, S.; Strout, Susi, Trask.

ABSENT — Briggs, Brown, Carter, Conley, Connolly, Crommett, Donaghy, Dunn, Dyar, Faucher, Goodwin, H.; Huber, Jacques, LaCharite, Perkins, Pontbriand, Ricker, Tanguay, Webber, White.

Yes, 95; No, 35; Absent, 20.

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

Mrs. Boudreau of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-778) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: This amendment just reduces automobile financing charges back to the present rate. As far as I know, there is no opposition from the automobile industry, and this rate has been working effectively and we hope it will stay where it is.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I again rise to try to preserve the nature of this bill. We have a bill that speaks entirely in terms of simple interest rates. This is an attempt to make an exception in what is supposed to be a uniform bill. I hope we will be able to turn this one back.

If there is one area in the entire credit industry where competition is working very effectively, it is in this area of motor vehicle finance. The present rate is about 13 or 14 per cent — that is the ceiling — and in practical terms, in reality, competition has kept the interest down to about 11 per cent. There is no reason to think that this won't continue to occur. I don't think there is really any need to destroy the symmetry of this bill, its uniformity, by placing this amendment on it. So because competition is working so well in this area, because the symmetry of this bill is important, I hope that you will turn this amendment down.



I would move for its indefinite postponement.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Smith, moves the indefinite postponement of House Amendment "B".

The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this motion by the gentleman from Dover-Foxcroft, Mr. Smith. Under the proposed rates in L. D. 2582, motor vehicle financing is under the supervised lender rate structure. The consumer purchasing a new car probably won't fair too badly, but the consumer purchasing an older car could very well be charged the highest rate allowable, and I think this is one area that we should change the rates back. And as far as the uniformity of the code, we kept the home repair financing as it was. So we are not doing anything that already hasn't been done in the code.

I request 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 Dover-Foxcroft, Mr. Smith, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bither, Bragdon, Clark, Curtis, T. S., Jr.; Donaghy, Farrington, Ferris, Garsoe, Greenlaw, Herrick, Hobbins, Jackson, Knight, Littlefield, Martin, Maxwell, Norris, Peterson, Pratt, Rollins, Simpson, L. E.; Smith, D. M.; Susi, Trask.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Cooney, Cote, Cottrell, Cressey, Crommett, Curran,

Dam, Davis, Dow, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Farley, Farnham, Fecteau, Finemore, Flynn, Fraser, Gahagan, Genest, Good, Goodwin, K.; Hamblen, Hancock, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, McCormick, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, O'Brien, Palmer, Parks, Rolde, Ross, Santoro, Shaw, Sheltra, Shute, Silverman, Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Talbot, Theriault, Tierney, Twitchell, Trumbull, Tyndale, Walker, Wheeler, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Birt, Briggs, Carey, Conley, Connolly, Deshaies, Dyar, Evans, Faucher, Gauthier, Goodwin, H.; Hoffses, Huber, Jacques, Kelley, LaCharite, McNally, Perkins, Pontbriand, Ricker, Tanguay, Webber, White.

Yes, 25; No, 102; Absent, 23.

The SPEAKER: Twenty-five having voted in the affirmative and one hundred two in the negative, with twenty-three being absent, the motion does not prevail.

Thereupon, House Amendment "B" was adopted.

Mr. Trask of Milo offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-779) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have read House Amendment "C" about three times this morning. I have referred back to the bill. It is page 39 of the bill, paragraph 3, at the bottom of the page. I don't understand the original paragraph, either, and I would ask if the gentleman from Milo, Mr. Trask, would explain what the original paragraph does or what his amendment is attempting to do.

The SPEAKER: The gentleman from Farmington, Mr. Morton, poses a

question through the Chair to the gentleman from Milo, Mr. Trask, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. TRASK: Mr. Speaker and Members of the House: In committee, we had discussed taking out all of Article IV covering insurance. We had discussed this particular amendment, and the committee was pretty much in agreement to it. Then when we decided to take out — not to take out Article IV, we didn't go back and correct this section of it. And if the gentleman will read the Statement of Fact on the amendment, I think that will explain his question.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Members of the House: This is the difficulty I have. I would like an explanation of either the original or this amendment. I have attempted to understand what it is driving at, and I just can't make myself understand it.

It says — this is the bill now — it says, "In any consumer credit sale, or any supervised loan, a creditor may not contract for or receive a separate charge for consumer credit insurance providing accident and health coverage unless there is a waiting period of 30 days or more." A waiting period for what? This I don't understand. The minimum payment is \$40 a month, I understand, and the loan duration for at least 18 months. They say that you can't have credit accident and health coverage insurance — not life, but accident and health coverage for over 30 days. Is this what that means? If that is what it does mean, then the amendment changes it and makes instead of all three of those conditions apply, apparently either the first two or the last one — I am still confused.

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

Mr. TRASK: Mr. Speaker and Members of the House: To answer the gentleman's question, Mr. Morton of Farmington, my interpretation of that would be that the first payment on the contract is not due until 30 days after the date of the contract.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Like the Equal Rights bill, this title "Consumer Credit Code" has an excellent connotation.

The SPEAKER: Will the gentleman confine his remarks to the amendment.

Thereupon, House Amendment "C" was adopted.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I will start again. Like the Equal Rights bill, the title "Consumer Credit Code" has an excellent connotation. The proponents would make this appear to be a simple document to help the consumers of the State of Maine, and I have no doubt that some of the news media would make this out also to be a consumer savior bill. But the facts are that it is 68 pages, and although it has been studied for several years, many of us have no idea of the ramification of this bill, and certainly, at the close of this special session, we have no time to actually go through this and thoroughly discuss it.

In my opinion, it is no time now to enact such comprehensive, far reaching legislation. Already we have had three amendments adopted. This probably could go on ad infinitum, but before we do go on that far, I now move the indefinite postponement of this bill and all its reports, and I request a roll call.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the indefinite postponement of this Bill and all accompanying papers and requests a roll call.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not indefinitely postpone this bill, it has always amazed me how we can say in regular session, you know, there are some difficulties with this bill and it is a good bill, but we ought to study it some more and bring it back in special session. That is what you told us to do. Now we get back in special session, because it is a long bill, you say we ought to put it off until the next regular session. You know, we could go round and round

and round and round on that merry-go-round forever.

The thing is that we pass long bills here in this House. One of the measures of the success of this special session is in this bill. If we turn down legislation because it is a little bit difficult, because it is a little bit long, because it is a little bit technical, we would never have passed the commercial code as was done in this legislature a few years ago. There is lots of important legislation that has been passed in special session.

So I hope because it is a little bit long that you won't turn it down. I don't think that is reason enough. We have asked too many people to put in too many hours to assure us that this is a good, sound bill. I hope that you will respect the committee's report today, will not kill this bill outright. To be sure, we have perhaps a difficult time ahead with the bill, but I don't think this is the time to kill it. I hope that you will vote to keep it alive this day.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I would remind you once more that I am one of the ones who spent innumerable hours on this bill. We did hope to have something ready for this session, but it came down to the final wire, and as the gentleman said, we were supposedly working on a uniform code. In working it out we found that the sponsors that actually came out with the bill was anything but uniform as far as the rest of the states are concerned.

On the final session with the public, as I recall, there were 10 people who came in and said that this is a wonderful bill. It is outstanding, but — and then they proceeded to give us page after page of amendments that had to be put onto it before it would be acceptable. And then finally the representative from the Attorney General's Office said, "Well, I was going to say the same as the other people. This is a fine bill but —." He said, but in all good conscience, or words to this effect, I must appear against this bill. Now we are coming in here on the floor of the House and once more amending it. Not once, but as I

recall, we have three amendments this morning. Ladies and gentlemen of this House, this bill is not ready to be voted on and passed on to the public.

I will give you one of the things that has changed recently that isn't covered here at all. We are supposed to be working on a consumer credit code.

I understand the practice that has come about lately since we don't have small loan companies any more, which have been ruled out by the so-called thirty-six month rule, and which is continued in this bill, that now banks and other folks are getting into the act and they are putting these small, low-priced cars, junkers, or whatever you want to call them, that have to be bought by a certain segment of the public; they are putting them on revolving charge accounts, that type of thing, they are putting them on credit cards. They won't give them a regular loan but they will put it on a credit card. And so they are not paying as they would have to under a small loan, the regular rates, then after thirty-six months, drop down to eight percent; they are paying the eighteen percent for month after month after month, just as long as they have to keep changing over their used car, because the junker isn't going to last eighteen months, so they have to have another one. I just don't think this bill is doing for the consumer what it was supposed to have done. I am one of the ones who worked on it, — perhaps, it is my fault. But I did vote that it ought not to pass, because I could see what was happening. And I hope that you other folks in the House will go along with this.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I urge this morning that you vote against the motion by the gentleman from Bath, Mr. Ross, to indefinitely postpone this redraft of the Maine Consumer Credit Code.

This bill before us has been amended three times on the floor and this action was expected. The bill, in redraft, is probably one of the most thoroughly studied measures to come before us in this Special Session. I, for one, and nine

others, representing the majority of the Committee on Business Legislation are not afraid of an almost seventy page document for we can read and, yes, indeed, we are part of the study group. But before us, between the 105th Legislature, and the 106th, this document was studied by all parties of interest; banks, finance institutions, consumer groups, representatives of the public, insurance men, etc. That bill, as we have mentioned earlier this week, did come before us in the 106th Regular Session. It would seem to me that we have to treat the Special Session of the emergency bills coming before us with some breadth, since we don't have annual legislative sessions, and since the order, which this House passed in May of 1973, specifically directed this bill, or the 106th Regular Session Bill, L. D. 1803, to be studied and reported back to this Special Session of the Legislature. Then I would say that the time again is here to deal with it. Ten members of the Committee on Business Legislation sign out this measure, "Ought To Pass". I would urge them today to stand and defend their signatures. Or, if you will look in your journal, you will find that it has the bipartisan support, bipartisan support for passage.

The bill is based on the Uniform Consumer Credit Code, but it has been adapted to meet the needs of the credit industry and the consumers in the State of Maine. That, if nothing else, is one of the most outstanding assets contained herein in the bill.

In response to the concern, and perhaps the fear, of the gentleman from Bath, Mr. Ross, I have an eight page document, in layman's language, which describes the impact of the proposed Maine Consumer Credit Code on the consumers of this State, which I will pass over to him if the Page will come forward. I would ask him to please excuse the typing job for I never realized that it was going to be conveyed for other eyes than my own. Please vote, no, on the pending motion.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I

also oppose the pending motion.

Speaking of enacting lengthy legislation, we certainly enacted an insurance code here that wasn't a two page bill. And Mr. Donaghy spoke of the Attorney General's objections. The amendments that I offered this morning had taken care of that situation. And as for financing used automobiles on credit cards, the amendments I offered this morning also take care of that little situation. I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I support the pending motion. I don't feel that any bill is really in the best interest of the consumer which creates another bureau to do the work of people who are presently perfectly competent to do the work. This bill, to my way of thinking, is absolutely unnecessary.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I can assure the gentleman from Dover-Foxcroft, Mr. Smith, that I, too, have put in a few hours on this bill.

As you can see, there is a tremendous amount of confusion. There is no agreement on interest rates. And now we want to create a whole new bureau, an extension of the bureaucracy, with more expense in government, more expense to the taxpayer. Ladies and gentlemen, I have purposely avoided any discussion on the interest rates in the past. My objection, like Mrs. Lewis, is the creation of a new bureau where none is needed.

It is the responsibility of the Banking Commissioner to supervise interest rates. Why don't we let him do this job? Why do we need a whole new department when none is needed?

The recodification of the banking laws will cover many of the problems that are mentioned in this bill. I don't care how long it has been studied; if it is not needed, if there are bureaus presently now in existence to supervise the interest rates and home solicitation sales, why do

we need more? I hope we go along with the motion of indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I feel that we should vote against the pending motion of indefinite postponement and send on to the other body, a piece of legislation which I feel is very good for the people of this State.

I wish to do so for two reasons: First, this bill draws together a myriad of conflicting definitions, rules and regulations, and puts Maine's leading institutions in a position where they can grant credit in this State and know that they are within the law. The result of this should be an increase in capital and an increase in grant of credit.

Number two and more important is, that this bill creates a true consumer agency, which can support the needs of the consumer. Now, the gentleman from Westbrook, Mr. Deshaies, on Tuesday, and Wednesday and again this morning stated that we don't need this administrator because the Department of Banks and Banking will take care of the problems. That statement either shows deliberate attempt to mislead this House or fundamental misunderstanding of the role of the Department of Banks and Banking. This bureau, within the state bureaucracy, Banks and Banking, is designed to protect depositors in lending institutions. And it is designed to protect the financial security of a lending institution. And it is not designed to protect the creditors. It is not designed to protect the people who borrow from that institution. I am not sure that the gentlewoman from Auburn understands this very basic and fundamental difference. At the present time, there is no agency within our State government which has the responsibility to protect the men and women of this state who have to borrow from our institutions. This bill creates this office. It doesn't cost the taxpayers a dime. It is a good bill, and we should vote, no, on indefinite postponement.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I too, am distressed at the gentleman from Westbrook for continually flinging this red-herring up in this legislature, claiming this is a bureaucracy that is going to cost the taxpayers money. That is simply untrue.

There is an office created here designed to oversee credit transactions and protect the consumer. But it is financed by a charge to the lenders themselves. That is how it is going to be paid for. There is not one dime of general fund money, under this statute, that can be appropriated for this purpose. It is going to be funded totally by that charge. I hope that you will accept this as fact, because it is.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we are not going to become totally confused on this issue by the bulk of the bill.

Our first bill was a seventy page bill. We worked on it in committee. We came out with a bill under the heading of Mrs. Clark from Freeport, which is a sixty-nine page bill and we now have a sixty-eight page bill. I don't think the bulk of the bill should be something that is debated or confusing. It can be sat down and read through. But you already have a committee that has done that. The committee met in the last legislature and we discussed the bill; we held many hearings; we finally put it into study and we spent a great deal of time in study; we took the bill apart; we put it back together again; we designed, I think, a very good bill.

I agree that amendments have been put on this bill. There are amendments that the majority of the ten members of the committee, who voted this bill out, wanted, and now we see the argument of killing the bill merely because it is a big bill. It is a big question; a complicated question. And I think to kill it because of that would be a great mistake. I think you should go along with the ten members on the committee who voted this bill and realize that only two people in the Committee voted against the bill. I

hope very much that you will vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House; I think everyone in the House is aware that we have the office of the Attorney General to protect the consumers of this State. That office is equipped to protect the people for just the uses that could happen in this bill.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would invite the gentlewoman from Auburn, Mrs. Lewis, to attend some of the public hearings in the Committee on Business Legislation. There is one thing we heard loud and clear on that committee, that is through the mouth of John Quinn, who is the director of the Consumer Frauds Division, is that they do not have the staff; they do not have the time; and they are absolutely overwhelmed with the amount of work. They constantly conveyed one fact; that the volume of work is tremendous and they are way behind, simply because the complaints of consumers in this State are unceasing.

Again, my friends in the House, this bill is an endeavor to create a Consumer Credit Law for the State of Maine. It is a needed, worthwhile, piece of legislation.

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

Mr. FERRIS: Mr. Speaker, Ladies and Gentlemen of the House: I followed the evolution of this bill with some interest, including reading the report itself and the seventy-two page redraft.

I have one fundamental objection to the bill and I think it is a major objection; that this bill has written limits to the flow of credit in the form of loans under \$2,000 because it restricts the interest rates by eliminating minimum charges. If you have ever seen disclosure statements you will notice that most banks have a minimum fee of \$25.00, and that covers the cost of processing a loan, or just barely covers it. The cost of processing loans

discourages banks from making loans of this type because of the inability, not only to make a profit, but to break even. Supposedly the lack of access to small loans will be somewhat alleviated by the use of credit cards, except that there isn't going to be any great enthusiasm on the part of lending institutions to issue credit cards to high risk borrowers. So credit flow, in my mind, will thereby be decreased, and I am opposed to this bill and I support the motion to indefinitely postpone it.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would respond to the remarks of the gentleman from Waterville, Mr. Ferris, regarding the availability of credit.

This bill attempts to keep the amount of credit available to consumers the same as it is now. There are many different opinions whether credit is too easily available, or not available enough, or about right. However, there is no acceptable data to show a need for a change to provide either more or less credit available to consumers.

The availability of credit is related to the interest rates which may be charged. I am sure Mr. Ferris and I agree on that point. This bill provides interest rates, particularly reflecting those which were amended today in this House, which may be charged. This bill provides interest rates which are approximately equal to or slightly higher than the rate ceiling under present law. Where the present law has no ceiling, the rates and actual use today are provided.

As far as I know, this legislature has not heard any outcry from the people of Maine that credit was too restricted, nor has it received any credible evidence of distress to consumers. Until either of these happen, I suggest that the best course of action is to leave the interest rates in the bill at approximately where they are now and as amended on the floor of this House this morning.

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 this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Bragdon, Brawn, Brown, Bunker, Cameron, Carrier, Cote, Crommett, Deshaies, Donaghy, Dudley, Dunn, Evans, Farley, Farnham, Farrington, Ferris, Finemore, Hoffses, Hunter, Immonen, Jacques, Jalbert, Kelley, Kelley, R. P.; Lewis, E.; Lewis, J.; MacLeod, McMahon, Morin, L.; Palmer, Parks, Pratt, Rollins, Ross, Shaw, Sheltra, Sproul, Trumbull, Wheeler, White, Willard.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bustin, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Dow, Drigotas, Dunleavy, Emery, D. F.; Fecteau, Flynn, Fraser, Gahagan, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Jackson, Kauffman, Kelleher, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Merrill, Mills, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Peterson, Ricker, Rolde, Santoro, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Whitzell, Wood, M. E.

ABSENT — Bither, Briggs, Connolly, Dyar, Faucher, Garsoe, Gauthier, Huber, McCormick, McNally, O'Brien, Perkins, Pontbriand, Strout, Webber.

Yes, 44; No, 90; Absent, 15.

The SPEAKER: Forty-four having voted in the affirmative and ninety in the negative, with fifteen being absent, the motion does not prevail.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Members of the House: This is a long bill. I just voted not to indefinitely postpone it; I think there are a lot of good features in it. But I have just discovered something which disturbs me a great deal, and that is the section on what the balloon payment does. I just talked to the granddaddy of this bill up back, and this is a situation he has not contemplated when he worked up the bill. But what in effect it would do, it would prevent the making of many contracts on very good credit that we have frequently done in the automobile business.

I know what the section on balloon payments is attempting to do. It is attempting to get away from the rather bad practice of a long series of payments which end up in a balloon. But it just so happens that much good finance is written where you put a large payment in at the beginning but it is not and frequently isn't payable within 7 days. This is what this balloon thing calls for. That disturbs me a great deal.

I was wondering, Mr. Speaker, whether this could be amended — would have to be amended at this point in time, I realize, in order for it to be done here, am I correct?

The SPEAKER: The normal amended procedure would be at this point, this is true. It is possible to do it other ways, but this is the normal way to do it.

Mr. MORTON: Mr. Speaker, I would like to ask someone to table this until later in the day.

Thereupon, on motion of Mrs. Clark of Freeport, tabled pending passage to be engrossed and later today assigned.

#### Second Reader

##### Later Today Assigned

Bill "An Act Establishing the Maine Public Transit Fund Act" (S. P. 938) (L. D. 2576) (S. "A" 405) (S. "B" 407)

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

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I am having an amendment prepared and it hasn't been

distributed yet. So would some kind member of the House table this until later today?

Thereupon, on motion of Mr. Garsoe of Cumberland, tabled pending passage to be engrossed and later today assigned.

### **Order Out of Order**

Mr. Kauffman of Kittery presented the following Joint Order and moved its passage:

WHEREAS, the Isles of Shoals have long been identified as one of the earliest locations of activity by the white man in North America, serving as a fishing depot even before 1600; and

WHEREAS, these islands assumed major importance during the early permanent settlement of Maine and New Hampshire, becoming the focus for the northern fishing industry and for the production of the finest codfish prepared in the north Atlantic; and

WHEREAS, the Isles of Shoals have thereby assumed a major significance in the history of northern New England, contributing to the area's economy, defense, navigation, and social and political development; and

WHEREAS, these islands also inspired a significant artistic expression during the 19th century, influencing the work of a group of writers, poets and painters, including John Greenleaf Whittier, Nathaniel Hawthorne, Celia Thaxter and Childe Hassam and thereby becoming a cultural monument in the history of American fine arts; and

WHEREAS, the Isles of Shoals have served as the locale for religious discussions and conferences since 1897 and continue to serve this function, thereby gaining significance in the development of theology throughout the world and in improved communication and understanding among various religious societies; and

WHEREAS, these islands have retained their environmental integrity and have therefore been utilized for geological and marine studies since the 1920's, thereby fostering the development of marine biology and the training of numbers of scientists in various disciplines; and

WHEREAS, the Isles of Shoals, having been intensively utilized by man for

nearly 400 years, present a wealth of archaeological remains both ashore and under water and thereby constitute one of the richest marine archaeological sites in northern New England; and

WHEREAS, the former inhabitants of the Isles of Shoals developed distinctive social attitudes, a unique dialect and a rich culture that are important in the history of northern New England; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature take this opportunity to recognize and support the historical uniqueness of the Isles of Shoals and favor the nomination of the Isles of Shoals name for listing on the National Register of Historic Places; and be it further

ORDERED, that a suitable copy of this Order be prepared and forwarded to the Maine Historic Commission as notice of such action. (H. P. 2071)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

### **Second Reader**

#### **Later Today Assigned**

Bill "An Act to Regulate the Sale and Processing of Crawfish" (S. P. 937) (L. D. 2575)

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

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: If I could take just a minute of your time this morning, I am not going to present House Amendment "A" at this time because we have another amendment that presently is being drafted that I would like to present later on in today's session. You will all be interested to know that the penal bond that seemed to be a matter of concern to many of you yesterday has been removed from the new amendment. And I hope by the time the amendment is introduced that all parties will be agreeable to it, and I would ask someone to please table this until later in today's session.

(On motion of Mr. Martin of Eagle



Lake, tabled pending passage to be engrossed and later today assigned.)

### **Second Reader Tabled and Assigned**

Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles," (H. P. 2060) (L. D. 2592)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and later today assigned.)

### **Passed to Be Engrossed**

Bill "An Act to Provide for a Moratorium on the Issuance of Lobster and Crab Fishing Licenses" (S. P. 942) (L. D. 2587)

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

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Fortunately, this time I won't have to ask that this be tabled until later in today's session, because the amendment that I would like to offer has just been placed on your desks.

Thereupon, Mr. Greenlaw of Stonington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-782) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I am sure all of you, particularly you Representatives from the coastal communities, are well aware of the pending court suit which is challenging Maine's statute on the requirement for three-year residency before a person can hold a lobster and crab fishing license. The suit is presently in federal district court and the gentleman from Yarmouth, Mr. Jackson, has received a letter indicating that this suit would not be settled until sometime in late spring or early summer.

The committee was very concerned, and I think other members of the

legislature were very concerned that this body not adjourn before providing some protection for the coastal fishermen in case the statute is declared unconstitutional.

The bill before us provides that there is a moratorium on the issuing of lobster and crab fishing licenses. This amendment puts an emergency preamble on the bill. It also makes the effective date of this bill May 15, 1974.

The reason for this is twofold. First of all, I am a little bit concerned that we may have a decision on this case before July 1, which would be approximately 90 days after the legislature adjourns — I hope, anyway. If that would be the case and the statute is struck down, then the whole licensing provision would be completely wiped out and literally anyone in the country could apply for a lobster and crab fishing license.

What this amendment does is basically cut that period in half. It makes the bill effective on May 15. I want to emphasize that it is not an attempt to restrict or prohibit anyone from getting a lobster and crab fishing license. I am sure the Representatives from the coastal communities are going to make this fact well known to their constituents, as I will to mine, and it is not in any way an attempt to try and limit licenses.

Mr. Speaker, I move the adoption of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I have reluctantly gone along with this bill that the Marine Resources Committee has reported out on putting a freeze on the lobster fishing licenses. By putting the freeze on the license, we have done something here that we haven't been able to do over the past few years through public hearing, and that is to in any way get the lobster fisherman to agree to put any freeze on the licenses.

I don't think there is any need for the emergency on this bill, because all indications I have is this suit won't be acted on in the court before the 90 days are up and before the present bill goes into effect. I think in being fair with the

people of the State of Maine, there is no need of putting an emergency on this bill. The only reason for the lobster license freeze was to keep out-of-state people from buying lobster licenses if the court declared the residency requirement unconstitutional.

The only thing this emergency would do would be to tend to freeze out the people of the State of Maine from getting into the lobster industry, the same as you could freeze people in the State of Maine from getting a drivers license, operators license, to drive on the highways of the State of Maine.

Most of the people in this State feel that a bill passed by the legislature will go into effect as an emergency measure at the time it was passed or else 90 days after it was passed. I don't think that this end run around that by putting it in effect May 15 is any way to treat the people of the State of Maine on such an important issue as this. We didn't even have a public hearing on this bill. I would urge the defeat of this amendment.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The intention of moving this up is the fear that the Federal Court would rule before the 90 days were out. I don't mean to parade the horrors, but I will to a little bit on this. What we are afraid of is that if they do rule before the 90 days is up, any resident in the United States or resident alien can go into Marine Resources, pay ten dollars and get a license to fish lobsters. This would mean the cottage owners and people like this who are in the State could go in and get this. You have an overfishing situation; you would have even a greater one.

The other possible fear is that out of state corporations, large corporations could come in, buy up a block of licenses and fish in depth a particular area, possibly fish it out.

The 90 days; would be somewhat questionable whether the court would have ruled or not, by picking May 15 we have picked a date where we feel the court will not have ruled by. It was sort of a toss-up as to what date we picked, being May 15 or May 30, but we didn't want to get into June if we could help it.

I hope very much you will support this. I believe that the majority of the Marine Resources Committee, which I am not on, has agreed to this. They certainly agree to the concept of the moratorium and I think the majority of the lobstermen have agreed to the concept of the moratorium. This is a temporary thing. Anyone who held a lobster license in 1973 can get a lobster license even if they apply in August or September, or what have you, or anyone new in the State wanting to apply for one would have up until May 15 to do this.

There has been a great deal of publicity on this, and there will be more publicity on it. The lobstermen up and down the coast are very aware of it. I agree that there may possibly be some person who has not lived in the State three years up until August or September, and they might possibly be harmed. But I feel that the small harm there is far out-weighed by the harm that would take place if a lobster license were available to anyone or any resident alien in the United States. I hope you will support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly support the amendment presented by Representative Greenlaw. I don't think there is any real danger of excluding Maine residents from getting a license if they so desire.

In fact, I have been told within the past week that the Department is receiving a great influx of applications for licenses. If they want to get their license, I think by May 15 they would have ample time to procure them.

I attended a meeting in Boothbay about two weeks ago at which probably 40 or 50 fishermen were there. And they, for the first time, gave an indication that they were really unified and what they want to see done. One thing was a freeze on a license moratorium. I certainly hope that this is accepted by the group here.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, wish to support this bill with this amendment.

I come from Boothbay Harbor. We have one buyer down there that handles well over a million pounds of lobster a year. We have a great many fishermen from several different areas that fish out of there. They were represented at this meeting. As Mr. Lewis has said, for the first time in our experience the fishermen were 100 percent united, and this is what they feel they need. And I believe it is a very necessary and desirable thing to do to protect the people of the State of Maine.

I have knowledge that few of you have here because I have a nephew-in-law that is connected with a large operation in Massachusetts that has been fishing off-shore. They have vessels that have big holding tanks and all this sort of thing, and the off-shore operation isn't just as working out the way that they hoped it would. And I know that they are giving some consideration to try to figure out how to come up and fish our Maine coast here. And hopefully this would help stop that type of operation.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: I ask you this morning to support Mr. Greenlaw's amendment, because I believe it absolutely necessary. The testimony that has been given is true. And all I can do is say that I hope you go along with Mr. Greenlaw's amendment.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: The lobster fishermen in my area are extremely concerned about this residency requirement.

I have in my possession petitions signed by several hundred fishermen. They wanted either one of two solutions to this pressing problem. They wanted either the Marine Resources Committee report out a bill similar to the Department redraft number 5, or the moratorium bill.

The Committee did not have time to report out a redraft, so they took this second choice. It is one of the things that is acceptable to the lobster fishermen. And as somebody has mentioned; for

once the lobstermen throughout the areas of the coast of Maine are in agreement. And I certainly think that we should take this action to help them since it will not infringe upon the rights of any of the people of the State of Maine.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I too, as a member of the Marine Resources Committee want to assure the members of the House that this bill with the amendment has the unanimous support of the lobstermen in my area. We had a meeting about three weeks ago to which many of them came. We discussed the original bill and we discussed a freeze on the licenses, and they were unanimous of their approval of this.

I had further discussion with one lobsterman concerning the fact that there was no emergency clause on this bill, particularly relating to the problem in the southern part of the State regarding the trouble with the New Hampshire lobstermen. They felt as though if there was not an emergency clause in this bill that there could be some problems in that area. I would admonish you to go along with this House Amendment and the bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would agree with the previous speakers.

I don't know the miracle man that suddenly came down from some planet to get the lobster fishermen all under one roof. I say this in all honesty, and I say it factually. I mean sometimes they have been known to be so suspicious that they disagree with you when you agree with them. On that basis I could go along with Mr. Greenlaw's proposition.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Marine Resources Committee and I went along with the original bill, or the bill brought out in Committee, that would put a freeze on lobster licenses at

the end of the 90 day period after the legislation was passed.

The people in my area agreed with this. But this amendment removes that part of the bill and puts the bill into effect May 15 instead of what probably would be in the area of July 1.

I am not in disagreement with the lobster freeze, but I am in disagreement with doing something that has been agreed upon by members of the Committee, and then bring it out in another amendment that would circumvent what we had agreed upon.

Now, Mr. Kelley, from Southport, seems to be afraid that the people from Massachusetts might come up here with their fishing boats and fish lobsters if this is not passed as an emergency measure.

I would just ask the gentleman from Southport why they don't come up here now? They can come up here now and fish outside the three mile limit. I think he is well aware of that.

So, ladies and gentlemen I would ask you to vote against the pending amendment.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Back in the 102nd Legislature I was on that Sea and Shore Committee and we held hearings all along the coast. At that time there was a fear by the lobstermen on restriction of the number of licenses issued. Down through the years they themselves have finally realized that this is one of the major steps to protect their own industry. I am totally in favor of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question that Mr. Shute raised, I would simply state that the reason they haven't come up here is because almost all of our lobsters are caught inside the three mile limit.

Mr. Ross of Bath 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 Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: There is one thing that I might bring; the reason for the emergency preamble, one of the reasons is, if we don't put an emergency preamble on it you will have an overflowing rush of licenses which might cause a burden to the Sea and Shore Fisheries Department.

The SPEAKER: The pending question is one of the motion of the gentleman from Stonington, Mr. Greenlaw, that the House adopt House Amendment A. 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, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hoffses, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Sheltra, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Wheeler, White,

Whitzell, Willard, Wood, M. E.

NAY — Shute, Trumbull.

ABSENT — Bither, Briggs, Connolly, Curran, Dow, Dyar, Faucher, Gauthier, Hobbins, Huber, Immonen, Jacques, Littlefield, McCormick, O'Brien, Perkins, Santoro, Stillings, Webber.

Yes, 127; No, 2; Absent, 20.

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

Thereupon the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

### Passed to Be Enacted

An Act to Increase the Minimum Wage (H. P. 1801) (L. D. 2321) (C. "B" (H-745))

An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense (H. P. 1991) (L. D. 2535) (H. "A" H-729) (H. "D" H-763) (S. "C" S-404)

An Act to Increase the Borrowing Capacity of School Administrative District No. 70 (H. P. 2045) (L. D. 2577)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

### Orders of the Day

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

Joint Order (H. P. 2063) Relative to Amending Joint Rule 10.

Tabled — Under the rules on March 20, 1974

Pending — Passage

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. Is this the order about the introduction of orders?

The SPEAKER: The Chair would inform the gentleman in the affirmative.

Mr. McMAHON: Mr. Speaker, I move to indefinitely postpone this order but I do wish to speak.

This order if accepted will give the leadership a total strangle-hold over the members of this body. I am sure this

Order is a result of certain other orders that have been in the House in recent days, but have been used to circumvent the wishes of the leadership. I can understand their annoyance of this tactic. Ladies and gentlemen, I hope you consider what the effect of this Order will be. I urge you to seek passage of this order so we may retain some of our independence and I request, Mr. Speaker, that this will be taken by a roll call.

The SPEAKER: The gentleman, Mr. McMahon, requests 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: The gentleman from East Millinocket and I have not had time to communicate on this one or the other order preceding. In all fairness, I have to oppose him on this one and support him on the second.

I agree with the gentleman, Mr. McMahon, that this would put into the hands of leadership a tremendous amount of power. It would say, in effect, that regardless of whether or not the majority of this body wants a bill reported out of committee, that that would not be possible. You would have to suspend the rules by two-thirds vote in order to get that bill reported out of committee. I think that is just too much power to place in the hands of ten people, even though, I think in the past, I voted for every single Bill in Reference to Bills Committee coming in after the rule cloture, because I felt strongly that as long as we are here, we might as well be doing the people's business. For example, I know fully well that in true emergencies that there would not be a hassle unless you had a situation where it might tend to create some problems for another member of the legislature, maybe in the same area or same county, or something like that. Even though I think the gentleman's motives are entirely proper, based on what happened in the last couple of weeks in terms of having the legislature prove and, in fact, having bills coming out as the result of joint orders, including one that appears on the calendar this morning, the bill that the gentleman from Winslow, Mr.

Carter, put in. So I certainly feel that I cannot vote for the passage of this joint order today.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think it would be interesting to go back into a little bit of the history of Joint Rule 10, as I remember.

Back several years ago, and for a good many years, the cloture rule was invoked by the vote of the entire legislature. Several years ago, and I don't know exactly who was responsible for initiating the action, I don't know if it was the members of the Reference of Bills Committee or not, but at that time, it was decided that a more constructive approach would be developed by allowing the Reference of Bills Committee to have the responsibility of making the initial decisions on bills being reported to the legislature. At the time the previous rule was in, I believe it was part of a two-thirds vote of the legislature, in order to over-ride the cloture rule to allow bills to be introduced.

At the present time, an order with a simple majority will allow a bill to be introduced on the floor. I think we see some of the ridiculousness of this within the last week, in which there was an order put in for a bill that was turned down by the Reference of Bills Committee back last January or December, when they had their meeting, and then because of one situation that developed within the National Guard, the order was put in to, at the very end of the Session, when we are trying in every way that we can, in order to reach final adjournment, an order was put in to introduce and bring out another bill. This followed a rash of orders by several people and I am sure that there are others who also want to do the same thing, who have pet projects. And all of these bills were allowed in. Actually, what has happened is that they found a loophole or method of circumventing a joint rule, which has been in effect for about six years. I don't think this should be allowed. I don't think it is constructive. And I certainly hope that

you will not support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman, Mr. Birt, about several of the orders of this past week. But if we adopt this rule change, we will be killing the patient in order to have a successful operation. I think the members of this body must retain some degree of independence and this ought to be leadership. And I urge you to vote for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: As well as the gentleman from Bath, Mr. Ross, the gentleman from Lewiston, Mr. Cote; and the gentleman from Lewiston, Mr. Jalbert, well remembers when all bills coming in after cloture date had to come before us for a unanimous consent. It was very successful. As I read Joint Rule 10 now, and this order right here, I am in a little much agreement with the last gentleman who spoke and the gentleman from Eagle Lake, Mr. Martin.

We had better leave well enough alone. And I think we would be getting ourselves in more trouble. I know that the old method was good for unanimous consent. Because most bills came in were some municipality that had to have a change. At that time there was no home rule. Ninety percent of the time or better, I think these gentlemen agree with me, that we accepted them. And I think as Joint Rule 10 reads now, that it is a fairly good bill. I hope you will go along with me on indefinite postponement of this Order.

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 go along and support Mr. McMahon's argument because his argument is a valid one.

Unfortunately, last year we passed a, or rather we formed a legislative

council, which as we look back, some of us may be wondering whether or not that was a very wise decision; based on the fact that many people who I have talked with since then, feel we have given leadership enough strangle-hold over the individual legislator, so that the individual doesn't have the power that he should have when he comes here after being elected in his district. One of the thoughts that many of us have been mulling over and discussing is the fact that the legislative council should not be made up of leadership, but should, in fact, be elected from members of both parties who are serving in both parties. If I leave you with anything; remember that you know we come here, and we are all, supposedly, equal in our voice. So if we are going to have that equality, then we should probably also be thinking about changing this Legislative Council over from a Leadership Council to Representatives Council. I support that motion.

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

MR. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to have the gentleman from Gardiner stand on his feet and tell this body, just exactly one time when the Legislative Council has strangled him, even though maybe some of us would like to, or any other member of this body?

I think first, he ought to read the bill that created the Council and also for the work that is given to them. In fact, I think if he looks at it and takes a look at the minutes of the Council and what the Council has done, that we have done probably more to meet the individual legislator in this body or in the legislature, a full representative of the people, to the point where they are working within their committees on a year round basis and have more input into what is going on around here.

There is absolutely, in my mind, no power created within the Council that circumvents, in any way, any legislator's rights.

Let's go back a little bit, if we might, and maybe bring us up to date as to the reason for this order that is in here, and

maybe the reason why you do or do not have certain leaders or why leadership should or should not have certain responsibilities. It has been, over the past, a matter of precedence, really, that when you have a special session that the Reference of Bills Committee has the right or the responsibility, although it is not vested really into any great degree, into making determinations what should or should not come before the legislature for action.

There is another way of circumventing that, and that is by what the Reference of Bills Committee does, in fact, to we'll say, the Minority Party in this case, then goes down onto the second floor and it comes up in a way of a letter stating that, this has now become part of my call." And that is exactly what took place during this particular session. Many of the bills that the Reference of Bills Committee turned down came back to us as the form of a call. A call, which in my opinion, still does not have to be accepted by this body. But is only accepted as a matter of courtesy. Then the Reference of Bills Committee, which also, during the Regular Session, has to act on particular legislation as to where it is referred, but also after cloture, it is definitely put into the rules as to a majority vote of the Reference of Bills Committee to allow a bill in. Such is also the case in the Special Session except that you, you yourselves, passed an order in this body stating that it took a unanimous vote of the Reference of Bills committee to allow a bill in. To me you put the onus right on our shoulders to take a good look at these particular bills and then make a determination whether they were actually necessary for this legislature or whether they weren't. We tried to do the job that you gave us, and that is to act accordingly. Some of the bills were turned down unanimously, not even accepted unanimously; and yet they came back in here because of one thing or another, working with people lobbying on them or even working on the Reference of Bills Committee on a one to one basis; suddenly bills came in. Let's take a look at some of the bills that you have allowed in. And you know the old argument is, "Well, the bill is ready; it is not really a substantive change of the

law, we don't need a public hearing; and, therefore, we are in the last nine days, so go ahead, you know, pass the thing, the committee will report it right out, let it go at that. And yet, you have passed some judgment on some bill here in the last few days, both pro and con, which in my opinion is not right, that when you start to let in one bill by circumventing the Reference of Bills and by a majority vote letting a bill in that is supposed to go down to a committee to bring back out here without a public hearing. I think you then are thwarting the efforts of some other people who have also been turned down by the Reference of Bills.

Now, I will give you a good example. I, personally, am opposed to a lot of laws. But yet, just by a vote the other day you denied those that would like to see a bill come in that was turned down by the Reference of Bills, the opportunity not to let that bill in. And yet, you let another bill in, in all good deference to the gentleman from China, a mandatory sentencing bill. Now that is about as controversial as any bill you can ever get. And yet, suddenly you just let it go, and it went under the hammer. Well, I personally, agree that you elect leadership; that the leadership is going to be on the Reference of Bills. In fact, I would just as soon see another Reference of Bills Committee. I am not saying that leadership should necessarily be on there. But if that is their job, and we don't serve on other committees, and our job is part of the Reference of Bills and the control of legislation in this body, then I think that we should handle it. And if you put in our hands the right to review or to accept bills, it takes a majority vote there, then, o.k., I think that should suffice. But then, to come back and through a majority vote by circumventing this through Order, after you have passed an Order putting a cloture in, this is a unanimous vote of that committee is needed to let a bill in, I don't think it is right. But I think it is right and proper for us to establish our rules and put some credibility in them. And I think that this Order is a good, proper, sensible Order. And I don't think it is anything that we should be ashamed of. And I think it is a responsibility you

have given to the leadership, and one that I think that we can accept, and accept responsibly.

When a bill has come before us it has been a definite necessity; it has been an emergency that it has involved a school district or any other charter change there has been no problems; we have let the bill in. But when it has come to certain bills we have said, no; because of delaying the session. And I would hope you would go along with that theory and that you would pass this Order.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I was rather fortunate as a young man to be able to play baseball for a number of years, and I played basketball for many years.

I wonder what would have happened if they changed the rules in the last inning when the score was tied? I think the members of this House have a right to determine what is an emergency. Now we have let many bills go through here that truly have not been an emergency. The bill that I introduced I considered to be an emergency.

I would hope sincerely that we don't change the rules at this late day in the game.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I had no intention of getting involved in this debate, but since my name has been used and the bill that I was responsible for, for having on the calendar this morning, I feel I must defend my actions.

Now, before I made a move in introducing the Order, I, naturally, checked with leadership of both branches because I was convinced that this was truly an emergency. I am sure the majority agreed. And I think there may have been only one that did not agree with me. And if you stop and think about the reasons for my introducing this bill; it involves 2,000 Maine men who are being called to duty two days a month. And they can not be protected if



an accident occurs to them on the way from their home to the base. The only way they could do this would be to purchase protection, which they can't do unless they form an association. Now, unfortunately, one of the men reporting to duty the past several weeks was seriously injured. And he was not covered. And he was so badly injured he has to be discharged from the National Guard. And I am afraid he is going to be disabled for quite a while. Now, he has no protection at all. His only recourse is, I imagine, would be to sue the State.

But if they were allowed to form an association they could purchase this coverage. Maine being the only state in the union that prevents the enlisted personnel from forming an association, in my opinion warranted some action. And that is the reason I did what I did. And I hope you would go along and indefinitely postpone this Order so that anybody else that might have a similar situation, and is truly convinced it is an emergency, should not be precluded from acting.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the gentleman from Standish, Mr. Simpson, in this matter. And I think the example the gentleman from Winslow just gave, Mr. Carter, was an excellent one in support of this. Because when he made a very short concise explanation why he needed that bill yesterday he got well over two-thirds of this House. And that is all this particular thing does; it stops the end run of an Order unless you can get two-thirds vote. If you can get two-thirds vote to suspend the rule, then you don't need to worry about this Order. Seems to me that is a reasonable approach to cloture.

We want to have some order here; we want to have some ability to control this. The leadership in the Reference of Bills Committee or whoever the Reference of Bills Committee happens to be would screen a great many orders which aren't necessary and which take up the time of this legislature. I think a situation such as the one Mr. Carter described

probably would have been accepted by the Reference of Bills Committee without any problem once he had given that explanation. But even if he didn't, reasonable talk by that gentleman created well over two-thirds vote.

And so I hope you tighten up the situation just a little bit and allow this Order to be passed.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House:

I think there are several points that do bear consideration based on some of the testimony that has gone on here.

The first thing is; that when we present orders of this type directing a committee to report out a bill we are also circumventing the public hearing. I have no doubt that probably the bill we are considering, that we have talked to primarily, the one that was introduced by the gentleman from Winslow, Mr. Carter, if the members of the National Guard had a chance to appear, I am sure that they would support the bill.

But on the other hand, there is no assurance that they would. You might find that they would have some real reluctance to it. We have no way of knowing whether they would or not. This is one of the reasons for having a public hearing. Ordering a bill to be reported out at the very end of the session when it hasn't had any public hearings, hadn't had any publicity — and probably a better example is the one that was previously mentioned, the one introduced by the gentleman from China, Mr. Farrington, relative to the mandatory sentencing, which is a very, very controversial bill — or, the barber bill — to report either one of those directly out of Committee onto the floor without any form of public hearing or any form of expression from the people of the State would seem to be completely wrong.

Now, as far as the comments made relative to changing the rules at the very end of the session, I don't look for any more bills or orders to be introduced to report out a bill. I think the reason that I introduced this Order is that the changes in the rules in this session will become

the basis for the rules for the following session. The next session, when it comes into being, will adopt its own set of rules. But errors that we find or failures to adequately cover situations that are recommended by one legislature do serve as a basis for consideration in the next one.

I think the major reason I introduced this Order is it would bring it before the next legislature; that this was a loophole they might want to consider.

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

**MR. CARTER:** Mr. Speaker, Ladies and Gentlemen of the House: My good friend from East Millinocket, Representative Birt, feels perhaps that if the members of the National Guard had a chance or an opportunity to appear before the Committee on this it might not approve of it.

I, first of all, would like to point out to him that this was a Department request submitted in a package of four bills. And that I am sure the Department would not submit anything that does not meet the approval of the membership. And many of you, I am sure, are aware that when an association is formed it never is mandatory. And if one does not approve of it he does not have to join. This is strictly permissive legislation. And it is one that I think will redress a great wrong.

Mr. Birt of East Millinocket, having spoken twice, was granted unanimous consent to address the House a third time.

**MR. BIRT:** Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct or clarify a statement I made. I don't think that I said that the members of the National Guard would oppose this bill. I said that they might. I said that they should have a chance to make their own expression on this. In this particular case I am sure that they would not oppose it; they would completely support it.

But we have the point I was trying to make; that we are circumventing the public hearing which many of us hold is one of the keystones, is one of the real bases of the democracy of the Maine Legislature. And I don't think we should

circumvent the public hearing. We should give the people a right to express and find out if here is objection to it, and find out the feelings of these people. This is the point of the public hearing.

Introducing order of this type directing committees to report a bill completely circumvents, not only Reference of Bills Committee, but also circumvents the opportunity of holding a public hearing.

Now, I would also point out one other situation. That what does happen sometimes — and this hasn't been followed as closely as it should although I did everything in my power I could to insist that it be done — is what had happened with the gentleman from Winslow, Mr. Carter, in his Order is he had gone to some of the members of the Reference of Bills Committee on a one on one situation. Now that is completely contrary to the Rule, too. He did not come to me. I never did see the bill to my knowledge. But the Rule says that all bills will be given to the Clerk of the House or the Secretary of the Senate, and they will be put in a file. And when the Reference of Bills Committee meets as a Committee they will act on these bills. There has been some attempt to circumvent this by going and getting an expression from each one of them. I think this is one of the areas that needs to be tightened up. But I fail to see anything wrong with this Order. I think it is a good Order, and I hope it will see passage.

**THE SPEAKER:** The Chair recognizes the Gentleman from Lewiston, Mr. Jalburt.

**MR. JALBERT:** Mr. Speaker, Ladies and Gentlemen of the House: I think I can say with all honesty that there is no one in this Body who loves to take a shot at the leadership, whether it is the right to the left or the left to the right, or directly in front to me, than I do. I just look forward to it with just as much delight as my good friend from Bath, Mr. Ross, does once in awhile. I won't go into quotations about government reform or anything like that because I think that is off the subject.

In any event, by the same token, I am a stinker for rules. If we elect leaders, then we give them certain prerogatives. I also believe this; if you can't get

two-thirds of the leadership with you on the measure, now or Regular Session, I mean; you're gone, eventually. Oh, you probably would get it by the House, they have given me plenty of token votes here, but believe me, that token vote is sold across a few hundred yards, a couple hundred yards; I have been deep-sixed more times than I have hair on my head.

Now I think this order here is sound and it is solid. I think that the gentleman from Winslow, Mr. Carter, brought out a point. And I think, had he gone, if this was in effect, had he gone to the leadership, I am positive that the leadership would have O.K.'d it. Now I have some bills that I withdrew because I didn't want these hearings when the Reference of Bills Committee was meeting, because I didn't think they were an emergency measure, and besides that, I knew they wouldn't pass. I face the realities of life and I deep-sixed myself.

Now this order here is not a thing that is so rigid. I think it is sound; I think it protects the public, and it protects that individual who might want to be heard. We are either going to have public hearing or we are not. In all the thirty years, the twenty-eight years, that I have been around here, I have never, never, tried to get a bill through that concerned itself with matters that had interest in it, without having to go to the leadership and changing it, and sometimes getting on my knees for them to allow me to get in through the door. Then I go through the proper procedure. This just follows the rules of the game. And I think the rules of the game as presented forth in this order, which strengthen our system. And for that, and several other reasons, I would say that I wholeheartedly support the gentleman from East Millinocket, Mr. Birt, on this proposition.

The SPEAKER: Mr. Carter of Winslow was granted permission to speak for a third time.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that I take issue with my good friend from Lewiston, Mr. Jalbert. He speaks to us that if this order was passed, anyone, providing he got

two-thirds vote of the Reference of Bills Committee, he could get an emergency bill of the nature that I introduced, accepted. But it is my understanding that after cloture it is not a two-thirds vote but a unanimous vote. And if that is the case, then these bills would with one person objecting to it, you would never be able to get a bill introduced. I think we should leave the rules as they are now, and I hope that you would go along with indefinite postponement of this Order.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly; the rule as it is right now, states that once cloture arrives, it takes a majority vote of the Reference of Bills Committee to let a bill in. That is what it says, a majority. And I agree with the gentleman from Lewiston, that if somebody has got a bill that's in and, boy, if it's something that is really an emergency, nobody is going to turn down an emergency bill. In fact, in the Regular Session, we let in a tremendous amount of bills after cloture that people came to us for validation of bond issues and everything else.

In this particular case, during this Special Session, you, yourselves, voted a unanimous vote, you increased the rules even more so, you put it in on our shoulders, it takes a unanimous vote. Now I happen to be probably the one that the Representative from Winslow spoke to. And what I said to him was that I disagree with him coming on us one on one to build up support. If he wanted to put it to the Reference of Bills Committee as a group, sit down and argue it with us, than he might have got the vote and he might not have. I told him I wasn't sure that he was going to get my vote because we had discussed this with the General; he had brought it before us; and in his representation before the Reference of Bills Committee, as to the need; we felt it was something that we should look into and bring back into the Regular Session, along I think with three of his other proposals for the National Guard. Had we had a full Reference of Bills Committee when he

came in, he might have been able to sell us on it, the thing would have come in under unanimous vote. As it was, he decided to go the route of the order, which took the majority vote.

I think that the point that the gentleman from Farmington raised is an excellent one. You can always suspend the rules. You know that is one of the things that is put into any rules of order for protection. It is to protect the minority, such as, if they got a point they can raise, that the rules can be suspended and you can do anything then by suspending the rules. All it takes right here, if the Reference of Bills Committee had turned down any bill, any member could have come in here, then, asked for suspension of rules, and allowed his bill to be put in. I agree that if he had got on his feet on this floor and documented a case of emergency, the rules would have easily been suspended by two-thirds and the bill would have been allowed in. But just to do it by majority, I think, is unwise. I think that the rules are made to protect the whole entire body and that is one good one.

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 make just one brief comment. The Reference of Bills does not, as far as I am concerned, require leadership. People from the leadership to provide its duty and its function and as far as I looked at leadership positions, I felt that leadership was initiated for the purpose of implementation of providing platforms for both sides of the aisle.

One of the things that Representative Simpson just said really rubs me, and that is a one on one, someone has to come and ask. And I would probably say that one would have to more than beg to get something admitted into the Session this late and I didn't come to beg. I came with the same number of people that all the rest of you came with. I think we all feel that we should be giving them an equal voice in the process of determining what legislation is heard here. And so I think that all of us are equal here. And leadership has, at this point at least, a strangle hold over us regardless of what

he said about the number of people who might want to strangle me. I feel that I came as an individual, representing my constituency, and you all did the same. If you want to give away your individuality to any one person then maybe, what we ought to do is look a little more closely.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In reference to coming here, as the gentleman from Gardiner, Mr. Whitzell, said, and in reference to saying that he came here to represent his people, so did all of us, as he also mentioned. It doesn't necessarily allow to give me a blank check to tell my people whatever I do has got to be alright with you.

Somewhere along the line you have got to go along with the rules. I would like to have the young man from Gardiner, Mr. Whitzell, clearly understand that, as some of the younger people who are here have understood it, since the first day they came here. You have got to go by the rules. If you don't go by the rules, somewhere along the line you're going to get tripped up and fall flat on your kisser, and you are dead.

Now we have got other things to do. I have spoken twice, maybe too long. But I spoke because I know the rules; I like to study them; I like to catch the Speaker breaking the rules, so I can let him know I am around, and I would like to have him catch me. I am repeating myself; but this is not going to stop me from taking a whack at the left or the right, he's got to still allow me that privilege. And by the same token, I want to give them some privileges. This is a sound and good order and I think I have spoken with some degree of experience.

The SPEAKER: The Chair recognizes the Gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I respect the intent of both the supporters and the opponents of this Order this morning, but I would like to make a few comments.

It has been said here that by using such order you are circumventing the public hearings. While this is true. On

the other hand, if you are to do that, I think that the opinion of a 150 people in this House is better than the opinion of a few people or none at all. I refer specifically to something that I mentioned here occasionally since I have been here in this House. And as far as circumventing the public hearing and circumventing the laws altogether, that we have a much more important problem to tackle if this is what we want to do, to stop this. I suggest to you, again, that this is done very publicly, in all kinds of ways, when you come to get the bills of errors and inconsistencies. For those of you who haven't ever studied or looked at the errors and inconsistencies, this is about the worst thing we can do. I think if you want to do this, stop circumventing the law or the public hearings, I think we first should get rid of the bills on errors and inconsistencies, and to which these same bills have always been brought up, things that don't pass in this House and are put in a bill for errors and inconsistencies, things to change which was passed and somebody else didn't want to put in his errors and inconsistencies.

I think last week I saw a bill here that we even gave the judges a \$1,000 raise in a bill of errors and inconsistencies, which a couple of days later, we give them another raise of \$2,500. I don't mind about the raise, but I am talking and bringing to your attention, what is going on here. This thing here about circumventing public hearings I would rather take my chances and come with an order to this Body and if they don't pass it, great.

I think if we do pass this order and something like this comes up, like Mr. Carter's bill comes up, then what have we done? Let's say it doesn't pass. Well, if it does pass, we have done a good deed and that kind of balances out the equity somewhere along the line. So we say we want to go according to the rules. Well, this is not the rules yet, and I am not willing to play that kind of rule. I suggest to you that this is not a good rule. I think the people in this House, I would rather take my chances with an order in this House and bring it to the whole legislative body. And if they turn it down, I might cry, but I will still go along

with it. Just to take the word of a few individuals, and I don't mean that as a criticism to them at all, because next time it will be different individuals. I submit to you, that if you are going to do this, you had better start to take a real good look at the vehicle which is used to put in all these bad things that pass in this legislature, and that is the errors and inconsistencies bill. You are going to have one next week here from the Judiciary Committee, and I suggest to you that we did a good job on it, as good as we could, but you had better take a good look at it again, because you are going to see things in there which failed in the last session and which probably in some disguised form was presented to us to let it go.

So I submit to you that this is not an order that we need. I think that we should leave this part open, give the members of the legislature a chance to say something on it, to vote it down or to vote for it. I hope that you do move for the indefinite postponement.

Mr. McMahon was granted permission to speak a third time.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Talk about following the rules is misleading. We are being asked to consider changing the rules now. This won't be a new rule until we adopt it.

I agree with the gentleman from Standish in his earlier comments about some of the orders of the past week. But I think the membership of this body exercised its rights and its intelligence when it accepted some of the orders and rejected others. Some were considered to be emergency measures and some weren't. The point is, and I feel very strongly about this, and that is the only reason I am making the motion to indefinitely postpone this, this membership should make the decisions. As the gentleman from Westbrook, Mr. Carrier, said, I would much rather rely on the wishes of 151 people in this body than I would five or six. And I mean no discredit to any of the leadership by saying that.

I hope you vote to indefinitely postpone this order.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I have followed this debate part of the time, but I think I have convinced myself that I agree with the gentleman from Westbrook, Mr. Carrier. I usually do anyway, if you have noticed, but he does make very potent and telling arguments. I think this does sort of make a short cut, and I do object to shortcuts. I think that this House should take their time and consider every item that comes before them, and if I am way off in left field you can say so, but I agree with the indefinite postponement of this order. I don't think it is wise to do it so late in the session as this with the small amount of knowledge most of us have of it. I hope you don't go along with the indefinite postponement of the order.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: When I sit down, I intend to vote for the indefinite postponement of this order for the very simple reason that we have seen personalities of a slightly vicious nature creep into the debate this morning between two of our individuals. That will be my reason for the indefinite postponement.

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 Kennebunk, Mr. McMahon, that Joint Order 2063 relative to amending Joint Rule 10 be indefinitely postponed. 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, Bragdon, Brawn, Brown, Bustin, Carrier, Carter, Chick, Chonko, Clark, Conley, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Dudley, Dunleavy, Emery, D. F.; Farrington, Finmore,

Fraser, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hobbins, Hoffses, Jackson, Jacques, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, Lewis, E.; Lewis, J.; Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Palmer, Peterson, Pontbriand, Ricker, Rollins, Ross, Sheltra, Smith, D. M.; Snowe, Sproul, Talbot, Theriault, Tierney, Trumbull, Twitchell, Tyndale, Walker, Wheeler, Whitzell.

NAY — Ault, Baker, Birt, Bither, Bunker, Cameron, Carey, Churchill, Cottrell, Cressey, Curran, Davis, Donaghy, Dunn, Farley, Farnham, Flynn, Garsoe, Hancock, Hunter, Immonen, Jalbert, Kauffman, Kelley, Knight, Lynch, MacLeod, Maddox, Merrill, Morton, Murchison, Norris, Parks, Pratt, Rolde, Shaw, Shute, Silverman, Simpson, L. E.; Stillings, Susi, Tanguay, Trask, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Boudreau, Briggs, Connolly, Deshaies, Dyar, Evans, Faucher, Fecteau, Ferris, Good, Herrick, Huber, LeBlanc, Littlefield, McCormick, Perkins, Santoro, Smith, S.; Soulas, Strout, Webber.

Yes, 82; No, 47; Absent, 21.

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

The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, if it is in order, I would like to move reconsideration and ask you to vote against me.

The SPEAKER: The Chair would state the motion is not in order. The Order has been defeated.

All matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

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

House Order Relative to Amending House Rule 23

Tabled — Under the rules on March 20, 1974

Pending — Passage

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I stand as a proponent of the passage of this order because basically what would happen is that we could have on the calendar every day any bills that would be held and it would be shown right on the calendar. The other body has been doing it without a rule change, and I think that is an excellent way so that everyone knows what is being done. I think that it is one way so we don't get caught in a situation where we all of a sudden adjourn and we know there is a bill flying around, but everyone has sort of forgotten about it and you can't get to it. That way, I think everyone will know it is there and we can sort of expect to have it taken up in an order that we don't have to be worried if we happen to be a proponent or an opponent that we will be out of the hall at that time that the matter is discussed.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I also support the order, but I want to point out something to the House right now that they should strongly consider and remember. When a bill is held, it is just like tabling a bill for reconsideration. Therefore, anybody that does hold a bill has to be on the prevailing side to hold it. This is just exactly one other reason for putting this on the calendar, and it also gives this body an excellent opportunity to know when a bill is coming back for reconsideration so we will have the opportunity to study it and work on it in the interim period.

I hope you will support the order.

Thereupon, the Order received passage.

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

Joint Order 2064 relative to protesting

further Federal standards on certain seatbelts and other safety devices.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: Since this order was tabled until later in today's session earlier this morning, the gentlewoman from Madison, Mrs. Berry and myself have been working to incorporate her very good suggestions into a new order. This is now at the Director's office. I just checked a few minutes ago and it wasn't quite ready at that time but would be very shortly. As soon as it can be printed and distributed, then it will be introduced. So at this time, Mr. Speaker, I now ask to withdraw House Paper 2064.

The SPEAKER: The gentleman from Casco, Mr. Hancock, withdraws House Paper 2064.

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

Joint Order 2072 relative to the Legislative Compensation Commission.

Thereupon, the Order received passage and was sent up for concurrence.

Mr. McMahon presented the following Joint Order and moved its passage:

WHEREAS, wrestling is one of the oldest and most universal of sports, which today is conducted in two separate styles called Greco-Roman and Freestyle; and

WHEREAS, the Amateur Athletic Union of Maine Junior Olympic Freestyle Team will host the Russian National Junior Olympic Team at the Augusta Civic Center on May 22, 1974; and

WHEREAS, this is a large undertaking for an amateur organization comprised of Maine boys between the ages of 15 and 18 who must depend upon funding, but one which can only benefit the State of Maine and its youth; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the Senate and the House of Representatives of the 106th Legislature of the great and sovereign

State of Maine pause in the duties of this first special session to commend the Maine AAU Junior Olympic Freestyle Team on this most worthy undertaking and to convey our best wishes and good luck to each participant with special hopes for our native sons; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to Mr. Donald Littlefield, Chairman of the Maine AAU Freestyle and Greco-Roman Westling, in honor of the occasion. (H. P. 2074)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

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

Bill "An Act Changing the Membership of the Legislative Ethics Committee" (H. P. 1716) (L. D. 2109) New Draft (H. P. 2069) (L. D. 2599)

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

Mr. MARTIN: Mr. Speaker and Members of the House: We are in the process of preparing an amendment, but there is no reason why we can't accept the report and give it its first reading at this time and it will be ready for second reading later, so we can amend it at that time.

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading later in today's session.

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

Bill "An Act Creating the Maine Consumer Credit Code" (H. P. 2043) (L. D. 2582)

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and later today assigned.

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

Bill "An Act Establishing the Maine Public Transit Fund Act" (S. P. 938) (L. D. 2576) (S. "A" S-405) (S. "B" S-407)

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would move that this bill and all accompanying papers be indefinitely postponed, and I would speak briefly to my motion.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves the indefinite postponement of this Bill and all accompanying papers.

The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the Appropriations Committee gave this matter considerable thought. I believe we all agree that the best thing to do with this bill would be to refer it to the 107th for further study.

For one thing, there are too many loose ends in the bill and there are too many probables and ifs, and I think it is premature and we are putting the cart before the horse, so to speak. I think it truly should be further studied and taken up at a regular session.

The original proposal recommended the sum of \$980,000, and if the Federal money was available this could generate \$9 million. Now, \$9 million compared to \$50,000, which the bill presently has, would go a long way in trying to help all the communities in the State and not just one or two.

Now, the original bill also proposed personal services in the number of two. And the present bill doesn't have any personal services. I don't know who would administer it or how it would be administered. I suppose it would just be a fund of \$50,000 just to sit there. For these and many other reasons I would hope that you would go along with the indefinite postponement.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I think this matter was debated sufficiently yesterday. I oppose indefinite postponement. This is enabling legislation at \$50,000. It will be seed money for matching funds. I would ask for a roll call.

The SPEAKER: The Chair recognizes



the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: The motion before the House is not exactly the way the Appropriations Committee originally reported out. However, it is so near to it that I see no objection to it, as one member.

The motion before the House, I believe, is indefinite postponement. Certainly the bill watered down to the \$50,000 is just a shadow anyway. And I think that while the Appropriations Committee referred it to the 107th Legislature, I think the gentleman's motion from Winslow is probably more practical.

I tried to point out yesterday that as far as the evidence presented at the time of the hearing, certainly we were not impressed with the idea that the people of the State of Maine had been convinced that they were ready to buy the concept of mass transportation.

Now, to me, until you have some tangible evidence that people are ready to accept something like this, I don't care whether it is Federal money or State money or local money or what it is; it doesn't to me make sense to set up projects, test projects, which we have done many times, and know darn well that they are not going to succeed. Somehow or other some of us get the idea when there is a little Federal money available it is the best thing to do is try some crazy scheme and see if maybe it is going to work.

As far as I am concerned, I am convinced they are not ready for this, and it isn't going to work. So what is the sense of putting in a few dollars just to say we got something on the books. If we are going to do it, I agree with the gentleman from Winslow, Mr. Carter, let's make it big enough so it will be practical. If we did that, then the argument would become whether or not we got money to match Federal money.

Now, there are many, many projects before the Appropriations Committee that require Federal matching funds. Such as AFDC, which is a very, very, very potent subject. Of course, we don't know whether we have got enough state money left in the can to match AFDC at the level that we originally planned to do

it. So, we are talking about matching a scheme like this, there are other schemes that come up. Certainly the money that we use to match it has got to be subtracted from any matching money for Federal funds for other schemes. There isn't just that much money to go around to match all these deals.

I think we ought to do the sensible thing today and go along with the gentleman from Winslow, Mr. Carter. Then when any of us come back here to the next session of the legislature, and looks more as if people will have to, and are ready to give up their automobiles and walk half a mile to a bus, and then wait two hours and a half in the snow storm for the next bus that wants to take them home; if they are ready to go to those extremes to use mass transportation, they are not going to do it until it is really forced on them.

As I said yesterday people are so used to their private transportation, their private automobiles, that they are not going to give it up until they just plain have to. This automobile is ready in the morning to go where they want to go, when they want to go and bring them home when they are ready. Now, certainly mass transportation can not in any sense do this. Now, there may be areas where it is necessary perhaps to put in Federal funds for mass transportation. Los Angeles probably, and other large centers. But I think if you fellows use the best judgment you have got, I think, and think seriously about it, I believe you are going to come to the conclusion that this, as far as Maine is concerned, is an idea whose time has not come. Let's indefinitely postpone it and come back the next session of the legislature and then we can better make up our minds what we want to do on this here.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to anybody in the House who cares to answer. The question is this; if we indefinitely postpone this bill and a necessity arises for the funding of the bill to meet Federal matching funds, can't this be done through the Governor's Council?

The SPEAKER: The gentleman from

Eastport, Mr. Mills, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker; Would the gentleman please repeat his question.

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

Mr. MILLS: Mr. Speaker and Members of the House: Delighted, sir. The question is this; if we indefinitely postpone this bill today, can't this, if an emergency arises, without convening the legislature, do this through the Governor's Council? There have been funds appropriated this way before.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I guess the answer is, I don't know whether you can do it through the Governor's Council or not. But, certainly the Governor, if a real emergency arises, there is no question but what the Governor can call the legislature back in session if it gets that bad; he can do it. I guess that is a good enough answer.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly; this is another one of the situations that came from an order to report out a bill ordering the Appropriations Committee to report out a bill, which we did, that certainly isn't the best drafted bill in the world because it was the unanimous intent of the Appropriations Committee that this subject be referred to the next legislature.

Now, the House in its wisdom did not want to accept this yesterday. So, today we now have a motion to indefinitely postpone. I would hope you would go along with that motion this morning. And then perhaps the good gentleman Mr. Carter or the good gentleman, Mr. Gahagan can put another order in and subject this matter, whose time I think has arrived, unquestionably; but subject this matter to a study to come back to the next legislature. But believe me, as I read this bill over, this is not the vehicle

to do what you want to do. There is no personnel on it. As I said yesterday, you will have to amend it, you will have to try to write a bill from the floor of both bodies. Because this thing was only written to refer to a study to the 107th legislature. So, I hope you go along with indefinite postponement. And then I will make sure that someone gets an order together to put this very important matter to study.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Transportation, as we know, is a link between persons and activities. Trips are usually taken when the benefits from the trips are more than the costs. For many elderly and poor the benefits of a particular trip outweigh the immediate cost. Yet they still do not travel, for to travel on their limited incomes would mean the transportation would be taking money away from other very vital, necessities. So, the elderly and poor are restricted to a much narrower range of activities than the non-poor or the young, and, significantly, influences their lives in terms of employment, health opportunities and educational opportunities. Of equal concern are the millions of captive riders, those who have no option other than public transit. They tend to be the elderly, the handicapped and low income groups.

Responsive mass transit has been called the gloom in services, and services to the needy. For example, according to the Bureau of Census, approximately ten percent of the population is 65 years or older. Not all people in this age group are without transportation opportunities. But the majority live on fixed incomes and tend to operate few automobiles and have more physical disabilities than younger people. I am in favor of mass transit, Mr. Speaker, but this watered down piece of legislation will not do the job. It is just a hoax on the people of this State. Therefore, I do support the motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This bill would have affected the community that I live in and the sister community, Auburn.

But somewhere along the line I think that we have got to just spell things out as they should be spelled out. This came in as an order for the Appropriations to turn out a bill. As it happened the Committee in its non-wisdom did somebody a favor by just saying, "let's let them have a leave to withdraw instead of 17-A." Now, I intend to, before we get out of here, present an order that will say that 17-A will leave to withdraw and refer it to the 107th will apply to 17-A. It will be just as good as dead. I intend to do that before I get out of there, because this is what has happened. And we have spent a lot of time on this thing, and this thing meant a lot, and it means a lot to my people.

I also, if nobody else does it, I intend to present an order that this be made to go out to study. But this thing here appeared through a courtesy of leave to withdraw. And I said a few minutes ago, we have got to live according to the rules, and if the rules apply to me to get hurt, I still have got to live with them. That is one of the major reasons why I supported Mr. Birt.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, but I would like to concur with my colleague from Portland relative to his feelings on this bill. I think maybe I would like to address the broader question of mass transit in the State of Maine and what this bill as an instrument would do to provide mass transit.

The fact of the matter, is, the way the bill is right now with its \$50,000 appropriation, you would be lucky if you could buy one bus for the Greater Portland Transit District and maybe some spare parts and a mechanic to keep it on the road.

I think the other important thing to recognize in this particular bill is, and I ask you to carefully look at the bill, it is not the proper instrument. It doesn't really call for a coordinated state-wide planning for the mass transit needs or

the transportation needs for the people of the State of Maine.

You may recall, in the regular session of the 106th we passed a bill called priority social services. That bill dealt with human services. But within its spectrum of human services, it had a transportation component. There are some elderly groups that are applying for transportation money through that particular mechanism.

I think I have to concur with the members of the Appropriations Committee that we have to study the needs of mass transit and come up with a coordinated plan. I think the particular bill that we have before us would only open up Pandora's Box of additional state fragmentation of services, particularly in the area of transportation. So I hope you will go along with the motion to indefinitely postpone.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 Winslow, Mr. Carter, that this Bill and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Binnette, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Carter, Chick, Chonko, Churchill, Conley, Cottrell, Cressey, Dam, Davis, Dow, Dudley, Dunn, Farley, Farrington, Ferris, Finemore, Garsoe, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hobbins, Hunter, Immonen, Jackson, Jacques, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Martin, Maxwell, McHenry, McMahon, McNally, McTeague, Merrill, Mills, Morin, V.; Mulkern, Murchison,

Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Sproul, Stillings, Talbot, Theriault, Tierney, Trask, Trumbull, Twitchell, Walker, White, Willard, Wood, M. E.

NAY — Berry, G. W.; Berube, Boudreau, Bustin, Carrier, Clark, Cooney, Cote, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Drigotas, Dunleavy, Emery, D. F.; Farnham, Flynn, Fraser, Gahagan, Goodwin, H.; Hancock, Hoffses, Jalbert, Knight, McCormick, McKernan, Morin, L.; Morton, Parks, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Smith, S.; Snowe, Susi, Tanguay, Wheeler, Whitzell.

ABSENT — Briggs, Connolly, Donaghy, Dyar, Evans, Faucher, Fecteau, Gauthier, Herrick, Huber, Lewis, E.; Mahany, Perkins, Santoro, Soulas, Strout, Tyndale, Webber.

Yes, 90; No, 41; Absent, 18.

The SPEAKER: Ninety having voted in the affirmative and forty-one in the negative, with eighteen being absent, the motion does prevail.

The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves the House reconsider its action whereby this Bill and all accompanying papers was indefinitely postponed in non-concurrence. 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.

Sent up for concurrence.

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

Bill "An Act to Regulate the Sale and Processing of Crawfish" (S. P. 937) (L. D. 2575)

On motion of Mr. Greenlaw of Stonington, tabled pending passage to be engrossed and later today assigned.

following tabled and later today assigned matter:

Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 2060) (L. D. 2592)

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and later today assigned.

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

Mrs. CLARK: Mr. Speaker, I present an Order out of order and move its passage and would speak on the record, please.

The SPEAKER: The gentlewoman from Freeport, Mrs. Clark, presents a Joint Order out of order. Is there objection?

(Cries of Yes)

The Chair hears objection. The gentlewoman from Freeport, Mrs. Clark, moves the rules be suspended for the purpose of presenting an Order out of order. This requires a two-thirds vote.

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

Mr. DAM: Mr. Speaker and Members of the House: I know this is the first time I have ever risen to my feet in three sessions to oppose a Joint Order, but I would not oppose this order if it did not have certain things in it, which I believe is just opening the door to many, many, many orders of this nature.

I realize fully well what the L. L. Bean Company is, but I do object to the wording in the order of "providing good merchandise at a reasonable price, treating customers like human beings. L. D. Bean and their skilled employees, the President of the company, Mr. Gorman and his company and our sincere thanks for the 1974 spring catalogue." I am sure if this order received passage, I would be presenting orders recognizing various industries in my locality, and I am sure that maybe the Representative from Waterville could fully well put an order in representing Dunham's of Maine, which is known all over the United States and practically all over the world. I am sure that with a branch of the Dexter Shoe Company in Skowhegan that I would put an order in recognizing them for the fine

The Chair laid before the House the

footwear that they make, even though they are not union.

I am sure also that we have many fine automotive stores in Skowhegan and garages, and I would want to also recognize each one of them with a joint order, as well as we have a jewelry manufacturer in Skowhegan, and I would like to recognize them.

I also believe that we should recognize Sears, Roebuck and Montgomery Ward for contributing to the economy of the State of Maine by employing many people, also the MacDonald Corporation. I think we should recognize them. So I think if this order receives passage the way it is written here now that we are opening the door for many, many, many joint orders. I would not mind if it was rewritten, but I do object to the way it is written.

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

Mrs. CLARK: Mr. Speaker and members of the House: I acknowledge the remarks by the gentleman from Skowhegan, Mr. Dam, and if this order is going to receive adverse reaction from members of this House, I would ask, please, that it be tabled until later in today's session.

The SPEAKER: The Chair will order a vote on suspension of the rules. This requires a two-thirds vote. All in favor of the rules being suspended for the purpose of presenting a Joint Order out of order will vote yes; those opposed will vote no.

A vote of the House was taken.

7 having voted in the affirmative and 57 having voted in the negative, the rules were not suspended.

#### (Off Record Remarks)

On motion of Mr. Simpson of Standish,  
Recessed until three o'clock in the afternoon.

#### After Recess 3:00 p.m.

The House was called to order by the Speaker.

#### Joint Resolution

Mr. Hancock of Casco presented the

following Joint Resolution and moved its adoption:

WHEREAS, the National Traffic and Motor Vehicle Safety Act of 1966 permits the Secretary of Transportation to impose certain standards for seatbelts and other safety devices; and

WHEREAS, in accordance thereto, motor vehicles are being equipped elaborately with starter interlock systems associated with seatbelts and upper torso restraints; and

WHEREAS, consideration is also being given to mandatory use of seatbelts and harnesses as a requirement; and

WHEREAS, such systems, which are not optional, have added substantially to costs and are generally considered an unreasonable restraint on freedom that under a disguise of safety such apparatus has exceeded any realm of practicability; now, therefore, be it

RESOLVED: That the Members of the House of Representatives and Senate of the 106th Legislature of the State of Maine do hereby protest the mandatory use of seatbelts and harnesses as a requirement and further federal standards and equipment requirements for starter interlock systems associated with seatbelts or upper torso restraints and hereby urgently request passage of H. P. 1027, "A Bill to Amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes," now before the first session of the 93rd Congress of the United States; and be it further

RESOLVED: That the Secretary of State of the State of Maine notify each Senator and Representative from Maine in the Congress of the United States of this action of the Legislature by forwarding to each of them a certified copy of this Resolution. (H. P. 2077)

The Resolution was read.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: To be brief, this is substantially the same resolution that was introduced and withdrawn earlier this morning, but now

incorporated into it are the very excellent ideas suggested by the gentlewoman from Madison, Mrs. Berry, in regard to the mandatory use of seatbelts. If there are any questions, I am sure that either Mrs. Berry or myself would be glad to answer them, but I now move its passage.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Albert.

Mr. ALBERT: Mr. Speaker, Ladies and Gentlemen of the House: When you people started talking seatbelts, I wanted to tell you that my brother was the one that invented the seatbelt in 1946.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

Supplement No. 2 was taken up out of order by unanimous consent.

#### **Senate Reports of Committees Ought to Pass**

Committee on County Government on Bill "An Act Relating to Supplemental County Budgets" (S. P. 947) (L. D. 2595) Emergency reported pursuant to Joint Order (S. P. 903) that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent to the Senate.

#### **Ought to Pass in New Draft Tabled and Assigned**

Committee on Judiciary on Bill "An Act to Establish Guidelines for Release of Accused Persons Pending Trial" (S. P. 766) (L. D. 2197) reporting "Ought to pass" in New Draft (S. P. 946) (L. D. 2594) under same title.

Came from the Senate with the report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This item is apparently a redraft of the bill that concerned me considerably three or four weeks ago when it first appeared in this

body. At that point, due to the objections of myself and other members in the House, it was referred back to the Committee on Judiciary for revision. I would pose a question through the Chair to members of the Judiciary Committee as to what the changes were and how they affected the original intent of the bill.

The SPEAKER: The gentleman from Rockland, Mr. Emery, poses a question through the Chair to anyone on the Judiciary Committee who may answer if he or she wishes.

The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that I am capable of discussing all the bill completely, but I do know that this furnishes the judges with a choice of plans in place of bail. You remember the other one listed about five reasons, and there was some objection to some of those. The original bill called for that three of them would have to be met in order to prevent a person out on bail on personal recognizance. In the redraft — we amended the bill first, when it first came out of the committee to include only two, but there were some objections to that bill on the part of the members of the House and the bill, as Representative Emery has said, came back to the committee.

The committee has come out with this new draft now, and we think it offers a much broader choice of plans for the judges. I am sure you can see by looking through it what these are. It is not a very long bill. It is patterned after a federal plan.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: This bill came before us today, and I haven't had an opportunity to look it over. I would like to make a comparison between this redraft and the original bill, and I am afraid it is going to take me an evening to do it. I hesitate to request that this matter be tabled, because I know we are getting near the end of the session, but it is a matter of extreme importance, and I

would appreciate it very much if this matter could be tabled for one day.

Thereupon, on motion of Mrs. Baker of Orrington, tabled pending acceptance of the Committee Report in concurrence and tomorrow assigned.

### **Non-Concurrent Matter**

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) on which the House accepted the Majority "Ought not to pass" Report on March 19.

Came from the Senate with that body insisting on their action whereby they passed the Bill to be engrossed as amended by Senate Amendment "A" (S-399) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Machias, Mrs. Kelley.

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

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, Members of the House: I was hoping to adhere on this bill, so I would hope you would defeat the motion to recede and concur.

This bill is a special interest bill for a very few, and as you will notice, we did accept the majority "ought not to pass." This is the way the committee voted, so I hope you would not vote for the recede and concur motion.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Machias, Mrs. Kelley, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Pratt of Parsonsfield, the House voted to adhere.

### **Non-Concurrent Matter Later Today Assigned**

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

2572) Emergency which was passed to be engrossed in the House on March 19.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-415) and Senate Amendment "B" (S-418) in non-concurrence.

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

### **House Report of Committee Ought to Pass**

Mr. Rolde from Committee on Public Lands on Bill "An Act to Authorize Interagency Transfer of the Supervision and Control of Public Lands" (H. P. 2073) (L. D. 2600) reporting pursuant to Joint Order (H. P. 84) that it "Ought to pass"

The Report was read and accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take a few minutes to explain what this bill is. This is a bill that has been reported out the Committee on Public Lands with a unanimous "Ought to pass" report. Basically what it does, it is a permissive piece of legislation which would allow state departments which have land which they are currently not using and have no plans to use to transfer this land to the Department of Conservation which would then transfer it to the new Bureau of Public Lands within the Department. This was done, apparently, at the request of many of these departments that have this land that they don't know what to do with, and they would like to have permission to transfer it if they decide that is desirable. So that is basically what the bill does.

I was asked a question by a gentleman who wondered if, for example, it could also be transferred to another department than the Department of Conservation, and it could be under this bill. But the thinking was, we do not have a Bureau of Public Lands, and this might be the best place to bring all of this scattered land that we have under one roof.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I consider this a bad bill. If you take time to read through this bill, you are going to find that we are authorizing our department heads to transfer land under their control to the control of some other department. We, the members of the legislature, will never know anything about these transfers. We probably won't even read them in the newspaper.

The idea and concept is good, but the way it is under control here, as printed in this document, the powers, duties, rights and responsibilities, liabilities and functions are possessed by the Commissioner. In my opinion, we are placing far, far too much authority in the hands of the commissioners to juggle the property of the state and land grants and so forth, especially with these concessions that are coming along that we will have to contend with later on the public lands, town lots and the rest of it under somebody's control, and they can transfer it to whatever department they want to without the knowledge of the legislature. I think this is a bad bill and I move for indefinite postponement.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves the indefinite postponement of this Bill and all accompanying papers.

On motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Mills of Eastport to indefinitely postpone and tomorrow assigned.

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**Second Reader  
Tabled and Assigned**

Bill "An Act Changing the Membership of the Legislative Ethics Committee" (H. P. 2069) (L. D. 2599)

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: There are two amendments being prepared. They will not be ready this afternoon. I would ask if someone would table it until tomorrow morning.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act Creating the Maine Consumer Credit Code" (H. P. 2043) (L. D. 2582) (H. "A" H-777) (H. "B" H-778) (H. "C" H-779)

Tabled — March 21, by Mr. Simpson of Standish

Pending — Passage to be engrossed

Mr. Morton of Farmington offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-786) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would direct your attention to page 33 of the document and further to section 3308, which is at the bottom of the page, number one under that. This section 3308 has to do with balloon payments prohibited, and I am sure that the author of the bill had every good intention when he put this in here because balloon payments, as he understood them and as I have always understood them, I consider to be a rather bad practice. In case you are not aware of what they are, it means that the purpose of a balloon payment is to lead the customer down the primrose path of a series of low payments and then hit him in the end with a big one. Because that is 24 or 36 months away, it is kind of dim and he doesn't think about it too much until it hits him at the end of the contract.

But the way this was originally drawn, you will note that it says in the middle of the paragraph, "prior to or within 7 days of the consummation of the customer credit sale. The way that was worded, it does not allow a seller a very normal practice as we have been accustomed to using, so in order to make a sale, at the time of the sale, the customer may not have sufficient cash on hand or vehicle for downpayment. All this does is, if you will read the Statement of Fact, allows the customer, the seller, in a normal



consecutive payment conditional sale contract, to bill all or part of a down payment into one of the early consecutive payments rather than collecting it at the time of the sale. I never heard this described as a balloon, although if you followed this definition, it would be. We call it a pickup payment, meaning the customer picks up that unpaid portion of his down payment in a short time after he has bought the automobile. It builds his equity quickly into the contract and it saves him money over the long-run over the length of the contract. I urge you to adopt this amendment.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman. Wouldn't this guarantee a sale also — a quick sale?

Mr. SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to anyone who may wish to answer.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I don't think I understood the gentleman's question. Could he phrase it a different way?

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

Mr. MILLS: Mr. Speaker, to rephrase the question, I was thinking along this line. If a person comes into a place of business or some establishment of that sort, they do not have available money on them at the time. They are considered a reliable person, in order to consummate the sale, they have to have sufficient money on them to make a down payment, which could be set as a monthly payment, wouldn't that expedite the sale?

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the chair for anyone to answer if he or she wishes.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think I understand what the gentleman means. It certainly does expedite the sale. The

point is that the customer is considered to be a good credit risk and it is just that he doesn't have the funds available for his down payment. Under normal conditions you wouldn't accept the contract unless he did have that down payment but because you know he is a good customer and has the ability to pay, you allow him, maybe at the time of the first payment or the second payment, to build in all or part of that down payment. If you have a 36-month contract, you have even consecutive payments, but instead of getting the down payment at the time of sale, you get it maybe 30 days or 60 days later.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Wouldn't this be the standard business practice as practiced around, to take a down payment or call it a monthly payment, sir?

Thereupon, House Amendment "G" was adopted.

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

Mr. SIMPSON: Mr. Speaker, I move this lay on the table until later in today's session.

(Cries of No)

The SPEAKER: The Chair will order a vote. All in favor of this matter being tabled until later in today's session pending passage to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

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

Bill "An Act to Regulate the Sale and Processing of Crawfish" (S. P. 937) (L. D. 2575)

Tabled — March 21, by Mr. Greenlaw of Stonington

Pending — Passage to be engrossed

On motion of Mr. Greenlaw of Stonington, tabled pending passage to be engrossed and later today assigned.

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The Chair laid before the House the

following tabled and later today assigned matter:

Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 2060) (L. D. 2592)

Tabled — March 21, by Mr. Martin of Eagle Lake

Pending — Passage to be engrossed

On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and tomorrow assigned.

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

Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service. (H. P. 2037) (L. D. 2572) Emergency, which was passed to be engrossed in the House on March 19.

Came from the Senate with the bill passed to be engrossed as amended by Senate Amendment "A" (S-415) and Senate Amendment "B" (S-418) in non-concurrence.

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

Mr. BROWN: Mr. Speaker, I move the House recede.

The SPEAKER: The gentleman from Augusta, Mr. Brown, moves the House recede.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the motion to recede is not really the one that we are looking for here today. I have done a little more studying on this bill so that I won't get accused of being against it just because I am from the northern end of the county.

I had the occasion, a couple of days ago to come upon an accident just as the policemen from the City of Augusta arrived there at the very same accident. This was the accident in which Senator Joly and his father were involved. Some comments have been made by the gentleman from Gardiner, Mr. Whitzell, about the improper care of some of the victims by the ambulance people. I am an eye-witness to the care that was given to the Jolys and I would like to recite to you exactly what happened.

Senator Joly got out of his car under

his own power. However, he had a broken wrist and his hand was tremendously swollen, but the immediate attention was given to his father, he ended up with a broken collarbone, broken hips, bad internal injuries. The guy who was driving the sandtruck in front of me helped the police officer remove the senior Joly from the car and they put him on a blanket and he had his legs in an upright position because of the pain. The officer pushed the legs down to try to get him flat.

The ambulance was there in five minutes. I saw Senator Joly after the accident in the afternoon, and he said he had absolutely no reason to doubt that that ambulance could not have been there any sooner. Five minutes is good response time.

When the guy got out of the ambulance, there were two people in the ambulance, they immediately took out a spine board and he placed it next to the senior Joly on the ground. He said they wanted to move the older fellow onto the spine board. The police officer said, "Well, we will pick up the corners of the blanket and we'll pick him up and put him on the spine board." The ambulance attendant said, "No, we'll slide him onto the spine board, where he is perfectly flat now." This is what they did. The attendant then went to the ambulance, helped the other man get the stretcher out, put the stretcher next to the blanket and spine board with the senior Joly on it, and he said, "We will now lift him onto the stretcher. Again the police officer said, "We will pick up the corners of the blanket and put him on," and the attendant said, "No, that is why we have the spine board under him, so we can lift him up perfectly flat."

Now if anybody here, especially Mr. Whitzell, who has in the past denied some of these adequacies of the ambulance attendant people, can tell me this is not the proper procedure, then I, myself, should have flunked the first-aid courses that I have taken.

I have checked into some of the allegations that was made by the gentleman from Gardiner, when he said the person was not attended to and the ambulance did not arrive for some 20

minutes after a call was put in. The call was put in to the Gardiner Police Department. It took 13 minutes for the Gardiner Police Department to call the ambulance service. The ambulance service has a time card system, as soon as they get a call, they punch the card in when the call is received. When they get to the scene, they radio that they have arrived at the scene, the dispatcher punches the card in to show that they have arrived at the scene, and when they leave the scene, the card is punched again and when they arrive at the hospital, the card is punched still a fourth time. It took 7 minutes from the time they got the call until they arrived on the site. Thirteen minutes had been lost through the police department, and I am a municipal officer and I will stand behind any police department. This was a case that the police department, feeling that they could handle the case themselves. After the ambulance service did get the call, it took them only 7 minutes to respond.

One of the big problems that happens out of the Gardiner area is that the Gardiner Hospital refuses to take maternity cases or those people with broken bones. They immediately tell the ambulance attendant, take them directly to Augusta General, we don't handle broken bones, we don't handle maternities.

In the case of Mr. Shaw from Chelsea, when he related the other day the multiple accident, I questioned these people about that and they said that they, in fact, took the people to Augusta General, but because they were filled up with cases already, they directed these people to take them to Togus.

You heard Mr. Brown from Augusta the other day tell you that the Waterville Ambulance Service is \$30,000 in the hole, but it didn't take too long before you heard Mr. Farrington from China tell you that the \$30,000 figure has suddenly dropped down to \$18,000. You will also find that these were before the Blue Cross payments. Once the Blue Cross does make its payment, if it does pay, the ambulance service up in the Waterville area will not be running a deficit.

You have been painted a fairly dismal

picture of what is happening. I hope I have been able to straighten out some of these things that have happened here.

I checked about this ad that Mr. Whitzell mentioned about no ambulance at night, and in effect what has happened is that during the day there are two cars, as a minimum, but I don't take this minimum business, if he says two cars, then I will assume it is two cars. But at night they are running with one ambulance. And there has been a report that was made by the Chicago System Incorporated, which have offices in Ann Arbor, Boston and Columbus, and they did this survey for the southern Kennebec Regional Planning Commission, and they used the 1972 figures. They put all of their information, and it says here with the cooperation of the Ace Ambulance Service of Hallowell. So obviously Ace Ambulance has been cooperating to the best of their ability. I have no stock in Ace Ambulance, they don't service my area, and I don't come from Androscoggin County.

On 941 emergency calls in the region, which was put on the computer the answering time was 9.25 minutes when the vehicle was located in Hallowell. And they tried to find the perfect sub-region. And the perfect sub-region, this was in what they called region 23, and the perfect region was, in fact, a zone 22. And that would have cut the time to 9.18 minutes, which was less than a one percent savings in time. So, they said it was considerably insignificant.

The third location was in south-central Augusta, and it produced a time of 9.55. So it went the wrong way, actually, to help.

The peak periods are from eight a.m. to seven p.m. 645 of the calls were at that time. To load the man was from seven p.m. to eight a.m. And these people, who are professionals in the field have said that one ambulance could cover. So, certainly, the motion is not to recede in this case. We should in fact get this bill to the point where we can indefinitely postpone it.

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

Mr. WHITZELL: Mr. Speaker and

Members of the House: I don't wish to stand here and repeat the arguments I made the other day, for the people in southern Kennebec County need ambulance service. But I would like to pose instead, three questions that I have written down for the gentleman from Waterville to answer.

First of all, did the accident that occurred to the Jolys occur during the night hours or during the day hours?

Two: Did the gentleman also check all the time cards on all the calls that were made in Kennebec and Southern Kennebec County?

And Three: How many full-time employees does the Ace Ambulance Service actually have on its payrolls?

The SPEAKER: The gentleman from Gardiner, Mr. Whitzell, poses a series of questions through the Chair to anyone who may answer if he or she wishes.

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

Mr. CAREY: Mr. Speaker and Members of the House: The first question pertains to the Joly accident and what time it occurred. It was at nine-thirty in the morning. There were two attendants on the ambulance. And the roads were slick and I followed them as far back as downtown. And while they did not proceed with haste they did make a very safe run towards the hospital.

The second one; on the matter of checking all of the time cards that were punched; no, I did not. But I did check the time card of the one example that the gentleman used when he said that it took 20 minutes to answer the call. And the ambulance service was proven to be responsible for only seven of those twenty minutes.

As for the third one; knowing the number of people that are employed by Ace Ambulance, I do not. I don't even know how many people were employed in Waterville.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I hope this afternoon you will go along with the motion to recede, and I have a purpose in mind in making this motion.

Over in the other body they added two

amendments. One to remove the emergency clause, that is Senate Amendment B; and another is to add into this bill Hancock County, and that is in Senate Amendment A. As far as I know the delegation from Hancock County has no desire to be involved in Kennebec County matters, whatsoever. And therefore I certainly don't wish to have them involved. I am going to support indefinite postponement of Senate Amendment A if and when we get to it, I hope you will also adopt Senate Amendment B.

However, let's go back a little bit. I apologize for bringing Kennebec County's laundry before you this afternoon. It seems as if we have had a number of these matters all session long. I don't know just what it is or what the reasons are. Whether we have some concerns about County Government which we have not been confronted with before; it seems in the past we have always said that County Government didn't have anything to do, therefore, this is why many people have said we should abolish it. Here, for a change, we have some funds in Kennebec County, taxpayers money that they wish to expend on public service.

We are talking about home rule, and yet we have to bring this issue, well-known, before the entire legislature. You also know that municipalities can, at the present time, provide ambulance service. The City of Augusta can, the City of Hallowell, Gardiner, Waterville, and so on. On the other hand, our county government can not, and yet they have a great amount of revenue sharing funds that they wish to apply to this.

Now, as I have moved about this afternoon and discussing this ambulance bill, I came across this one thing that seemed to come to the minds of all people and that is the question of free enterprise system or private business. This is something like motherhood; I don't know of anyone in here that is opposed to private business or the free enterprise system. No one has a cornerstone on this by any means. Yet, you have the feeling that those who support this particular legislation are pushing for a public service completely, and trying to shoot down the drain those

who would support private enterprise.

I may suggest to you that Dean Fisher, according to the gentleman who runs the local ambulance service here, some ten years ago, said that in order to have a successful ambulance service you need a population of 90,000 people. I don't know where Doctor Fisher got his figures or anything else about him; except if it takes 90,000 people to have a successful business, you haven't got 90,000 people in all of Kennebec County. Say nothing of having it in the southern part of Kennebec County or in the northern part of Kennebec County. So right from the beginning you are starting with the chips against you, the whole deal is against you. Now, if you have this kind of a situation you have got a monopoly. And you should deeply regulate this type of an operation. Now, monopolies are not free enterprises, this is not competitive business and never has been.

If you recall last evening we spent a little bit of time talking about a heavily regulated industry, Central Maine Power Company, and we were talking about regulating it even more. We don't have anywhere near the type of regulation on this type of a monopoly that we do on the public utilities. It doesn't even begin to hold a candle to it. Yet, we are talking about free enterprise, the competitive business system. That, we do not have here. Nor do we have, as we understand it, or has been recommended by the hospitals in this county and as far as I know every hospital in this county, whether it be in Waterville, Augusta, or Gardiner supports this measure. This is also private enterprise. These people are interested.

Now, if you look at this particular bill, which is a resolve, which provides for one year only, the County Commissioners may finance or fund private enterprise, anybody that is existing or a group of hospitals, whatever they determine may be the best solution to their problems. This is a one-shot deal. I am sorry we have to bother you with this, but I hope you will give us a little break on home rule.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House; I am not from Kennebec County, but this bill was heard before the County Government Committee. And as I said in my previous statement; the bill that I signed out did not read exactly the same as the bill that appeared on our desks.

I do have concern for this bill, and I think I have the same concern in the same areas as the gentleman from Waterville, Mr. Carey. My concern, of course, is we open this up to one county, the next time around it is going to be another county, and another county and pretty soon we are going to have all the counties in the State in the ambulance business.

In the original draft of the bill that was signed out by the members of the Committee there was another section in this bill which was left out when the bill was printed, after the Committee members had signed the bill. The draft that the committee members had signed read, with its new section in it: "Resolved, That this resolve shall not be construed to allow the commissioners in the several counties to provide a county operated and maintained ambulance service. And be it further. . . ." and then it goes back to the resolve that is on the printed form that you received here. Now, that was left out. I questioned this, and I was told that they changed the language after it was signed because it was already covered in this bill. Every time I look at this bill I have more doubts than I had before. With this other paragraph in there, there was no doubt in my mind that the county could not get in the ambulance business. But now there is a doubt. Because if you would look on page two of the bill, it says, "Resolve. That said commissioners may contract with either a profit or non-profit agency or a municipality providing of ambulance service." Then you go down a little further and it says, "the said commissioners may provide for said ambulance service only if through a contractual basis." Allright, this is the part they put in saying that it would take care of the part where it says the commissioners shall not operate the system. But, right above there it says the commissioners may contract with either a profit or non-profit agency.

I think, with this bill the way it is drafted now, that possibly we are opening up the area where the county commissioners or county government can get into the actual operation of the service.

Another thing that bothers me is revenue sharing money. I have never favored revenue sharing money starting up new programs. Because I think they should be used for a one-shot deal and not something that would come back to the taxpayer to pick up later on. We have seen this so many times in our school systems with the many so-called title funds where they will tell you you are funded for three years, then all of a sudden the guidelines are changed the next year and the taxpayers pick up the tab.

When you take \$100,000 of revenue sharing money to start a service every municipality in the county this money belongs to or at least a portion of this \$100,000 belongs to them. So, you are taking this share of the peoples money of the town that runs an ambulance service to fund an operation to serve another town. I think if the commissioners really want to get into the ambulance service that maybe we should kill this bill now, and in the next session come back with a good open honest bill allowing them to do it through taxation, and then charging only the municipalities served and not taking the revenue sharing money out of the pockets of those municipalities that have the ambulance service to serve someone that does not have it. Because this is not being fair to the several municipalities of the county. So, for that reason, I would hope that we could get this bill in a status where we could indefinitely postpone it.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would like to pose a parliamentary inquiry to the Chair.

We can not indefinitely postpone in its present position. However once we have receded, that is to say, we go along with Mr. Brown of Augusta's motion, then we would be in a position, once we get through the amendment business to

indefinitely postpone. Is that correct?

The SPEAKER: The Chair would answer in the affirmative. We would also be in the position to handle Senate Amendments 1 and 2 individually, once we have receded.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Just to take a minute of your time, I would urge you to vote to recede today so that we may indefinitely postpone Senate Amendment A.

I don't know about the other members of the Hancock County Delegation, but I don't want to get Hancock County involved in it. We had talked about this two or three weeks ago and I had made some inquiries from my area about this and the people in southwestern Hancock County area were very much against it. We do have two volunteer ambulance services; one in Blue Hill and one in Stonington, both that operate very efficiently and serve the people well. I know that in the town of Bucksport, they have a very efficient ambulance service.

I see the good gentleman from Bar Harbor shaking his head, and I hope he is agreeing with me. And I hope that you do vote to recede today, because I don't want to see Hancock County involved in this.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: I was hesitant because I thought maybe it wasn't necessary to say anything on this. But I called all the county commissioners personally about two weeks ago on this matter when it first was brought to my attention. Dwight Brown, Chairman of the County Commissioners has confirmed that since then that all three voted in the last meeting that definitely they did not want any part of ambulance service. They say it would cost at least \$100,000 because they would have to subsidize all five, I believe there are five in the county, and they would have to share proportionately because of just what we have heard in the previous statement.

Also, there is no money in the appropriation at this time in the budget,

and there is no revenue sharing funds to use at this time. And they definitely do not want to enter into the ambulance service in Hancock County.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to answer my good friend from Augusta, Representative Brown.

He keeps asking the reason why we continuously object to county legislation, and he keeps saying I wonder what the real reason is. Now, I have told Mr. Brown several times what my reasons were. I don't think he is listening. But for his benefit, I shall repeat that reason, and it goes along the same lines that Mr. Dam has brought up, from Skowhegan.

Now, first of all, I think you are all aware that you cannot spend any federal funds in a discriminatory manner. If you do so you are on unconstitutional grounds. Now, this happens to be the case in this situation. It so happens that if this bill goes through the ambulance service which now services Somerset County will be barred from going to Somerset County. It is also a fact, the way the bill is presently written, that the county commissioners may provide for ambulance service only through a contractual basis, and only those on a contract shall be assessed. Now, they tell you this is a one-shot deal, and it is not a one shot deal. A contract can be for a lifetime. If you do this and the community refuses to join or take a "bite on the carrot," as I prefer to call it, use the federal fund as a carrot, you are being discriminated against. And I have requested the Attorney General to give this to me in writing, and he has agreed with me that it is indeed unconstitutional. And his office (I should say the deputy Attorney General) his office happens to be swamped at the moment. But he tells me that he will have it in writing tomorrow. However, I would hope that we wouldn't have to go that far and we could dispose of this bill this afternoon. I would hope that you go along with the motion so we can indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: If you will notice, you will notice that this Senate Amendment A is dated March 20, 1974. And as soon as I saw it on March 20 I called the county commissioners myself and I can confirm what representative Churchill told you. They are definitely against it, they have no money whatever, and they said to do everything you can to get us out of it because we don't want to be in it.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I think a very good point has been proven here by the fact that there is not the cooperation that there should be between the carrier service and the health care people who are those working in the hospital.

Now when you make up your mind on this issue bear in mind that you too travel through the area and it is not without the possibility that you might be in an accident. If you have a situation that we seem to be in now, where the carriers can not cooperate with the hospitals; and there is, indeed, a disservice to those being served.

I am reminded of a situation where; had the team in the wagon, and one person said let's bring the wagon up to the team. And the other says, no. Let's bring them —. And they spent two days trying to decide what they were going to do. Now, it would be a shame if somebody was laying on the side of the highway and this situation took place. For no other reason than to have the coordination and the cooperation of all involved in this very, very important service, you should allow the County Commissioners to inject and cooperate with these services throughout the county for the best advantage of all. I hope you vote for the motion so we can pass the bill.

Thereupon, the House voted to recede. Senate Amendment "A" (S-415) was read by the Clerk, and on motion of Mr. Brown of Augusta, the Amendment was indefinitely postponed in non-concurrence.

Senate Amendment "B" (S-418) read by the Clerk, and on motion of Mr.

Brown of Augusta, the Amendment was adopted.

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

Mr. CAREY: Mr. Speaker, is the bill now in a position to be indefinitely postponed?

The SPEAKER: The bill is pending passage to be engrossed, and a motion to indefinitely postpone is in order.

The gentleman from Waterville, Mr. Carey, moved the indefinite postponement of this bill and all accompanying papers.

Mr. Farrington of China requested a roll call vote.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I think we could capitalize the debate on this bill in a very simple way. We in the southern end of this county want better ambulance service for our people; it is as simple as that. I hope the rest of the legislature would grant us this authority under the home rule and not indefinitely postpone this bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Mr. Bustin has said the people want better ambulance service. We have heard the impassioned plea of the gentleman from China, Mr. Farrington. But, again, this time I will put it a little more bluntly, what we are doing with this bill is putting the County Commissioners of Kennebec County in the ambulance service. And in the next session there will be bills in here to put the county commissioners of several other counties in the ambulance service. Personally, I don't think the county commissioners should be in the ambulance service. There are enough profit and non-profit ambulance services in this state to handle that business.

Now, as I said before, when the bill came out; specifically, in that bill it said that; "nothing shall be construed in this bill to allow the commissioners to operate this service." But that was

taken out after the bill was signed by the Committee members, unbeknownst to the Committee members.

Now, I have spent six years here, I never knew this ever happened before. I thought when we signed a Committee report that was the report that came on the floor of this House in the printed word. But evidently it is not so.

Now, we go back to page two. If, as I was told, that this section wasn't needed, then why wasn't there in the first paragraph where it says that the said commissioners may contract with either a profit or non-profit agency, why wasn't the word 'shall' put in there? It wasn't put in because of the move to allow the county commissioners to operate the service.

Now, we go down further in the bill where they said commissioners shall provide for said ambulance service only through a contractual basis. This, I was told, was the section that would take care of the part they took out where we said the commissioners would not operate it. But this is not true. What that part of the bill says, when you speak of the contractual basis of service, is that the commissioners, with their own privately operated service, shall contract with the several municipalities. That is that part of the bill.

Now, if you people here today want to start off and open the door and let the county commissioners get into the ambulance service, then this is a good bill to pass and let Kennebec start it off so the next session we can get Hancock, Piscataquis, and Somerset and the rest of them here. And then maybe we can get them in the oil business, because I am sure that if they can operate in business more efficiently, and as Mr. Brown says, Doctor Fisher told him it took 93,000 people to maintain an efficient ambulance operation. Well, I just happen to question Doctor Fisher's figures and his judgment in this case. Because my town doesn't have 93,000 people; my whole county doesn't have 93,000; we only have 39,000. We would have to reverse the figure. My town is running a successful ambulance service and we are funding it. We are not asking the county commissioners to fund our ambulance service, we are not coming here to the legislature saying "no," we



believe in the people having an ambulance service but we are too mean for a municipality that we don't want to fund this service. We are not saying that. We raised our money to fund our service. And I can not see taking the Federal revenue sharing money from the several towns of a county and using it to put the county commissioners in a business to compete with a private, whether it be profit or non-profit concern. Right now is the time to get out of this mess, and the way to get out of this mess is through the indefinite postponement of this bill and all accompanying papers.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I am sure the very fine points that the gentleman has made regarding who is running the ambulance service would be lost on that lady with a compound fracture of both legs, lying for an hour and a half beside the road waiting for an ambulance.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go on record as being in favor of this bill.

I would like to have you take a look at the vote that we had on the 19th of this month. It has a majority vote of all the legislators in the county. And I believe in being fair if a county, Androscoggin or Somerset, wanted some sort of service for their people and the majority of their people voted for it I think the majority should have it. In this case that is what it boils down to.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I recently signed a unanimous "Ought to pass" report with the understanding that the majority of the delegation was for this measure, only later to find that there were abstainers and there was opposition to this bill. And for the same reasons as Representative Dam pointed out I would favor at this time indefinite postponement of this bill.

The SPEAKER: The Chair recognizes

the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I am glad that Mr. Sheltra just finished his. What we did have was a unanimous Committee report from the County Government Committee. And what we still have on the last roll call on this bill was; Representative Ault, in favor; Representative Brawn, in favor; Representative Farrington, in favor; Representative Shaw, in favor; Representative Whitzell, in favor; Representative Dow, in favor; Representative Sproul, in favor; Representative Bustin, in favor. Of the delegation, those who opposed, Representative Carey, Representative Carter, Representative Hunter, and Representative Ferris. The first count was nine people in favor and four against.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the; House: I do not wish to speak for or against this bill.

I have had occasion to use the Ace ambulance service and I don't want to hear them castigated again in my presence, because I can testify that I got very prompt service. I am not a light man; I was carried down two flights of stairs; they took me to the hospital so fast that my wife lost track. She didn't know where the hospital was. And she had to hunt around and find out where they had taken me. I just had the very best care that anyone could ever expect from Ace Ambulance Service here in Augusta.

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 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 Waterville, Mr. Carey, that the House indefinitely postpone "Resolve

Permitting County of Kennebec to Expend Money for Public Ambulance Service" House Paper 2037, 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.; Berube, Binnette, Bither, Boudreau, Bunker, Carey, Carrier, Carter, Chick, Cooney, Cote, Crommett, Curran, Dam, Dudley, Dunn, Farley, Faucher, Ferris, Finemore, Gahagan, Gauthier, Good, Hancock, Herrick, Hunter, Immonen, Jackson, Jalbert, Keyte, LaCharite, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, McCormick, McKernan, McNally, Morin, L.; Ross, Sheltra, Shute, Smith, S.; Snowe, Strout, Tierney, Trumbull, Willard.

NAY — Ault, Baker, Berry, P. P.; Birt, Brawn, Briggs, Brown, Bustin, Cameron, Clark, Conley, Connolly, Cressey, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dow, Dunleavy, Evans, Farnham, Farrington, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Hoffses, Kauffman, Kelley, Kelley, R. P.; Kilroy, Knight, LeBlanc, Maddox, Maxwell, McHenry, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, O'Brien, Parks, Peterson, Pratt, Rolde, Rollins, Shaw, Simpson, L. E.; Smith, D. M.; Sproul, Stillings, Susi, Talbot, Theriault, Trask, Twitchell, White, Whitzell, Wood, M. E.

ABSENT — Bragdon, Chonko, Churchill, Cottrell, Drigotas, Dyar, Emery, D. F.; Fecteau, Flynn, Garsoe, Genest, Hamblen, Huber, Jacques, Kelleher, LaPointe, McMahon, McTeague, Merrill, Mills, Norris, Palmer, Perkins, Pontbriand, Ricker, Santoro, Silverman, Soulas, Tanguay, Tyndale, Walker, Webber, Wheeler, Mr. Speaker.

Yes, 54; No, 62; Absent 34.

The SPEAKER: Fifty-four having voted in the affirmative and sixty-two in the negative, with thirty-four being absent, the motion does not prevail.

Thereupon the bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

### Orders Out of Order

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that Joint Rule 17A is amended to read as follows:

**17A. Ought not to pass reports.** Any bill or resolve, which bears a unanimous **leave to withdraw or leave to withdraw as covered by other legislation or referred to the next Legislature** or ought not to pass notation by the committee to which it has been referred, shall upon notification of such action to both Houses be placed in the legislative files. No further action shall be taken following such disposition unless such bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses. (H. P. 2078)

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

Thereupon, the Order was tabled under the rules pending passage and tomorrow assigned.

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

WHEREAS, mass transit is an appropriate means of reducing energy consumption, environmental pollutants, traffic congestion and loss of life and injury now resulting from private cars; and

WHEREAS, this nation has reached a point when alternative systems of transit must be examined to determine those means most suited to future needs; and

WHEREAS, the development of an adequate system of transportation is considered essential for the welfare of the citizens of this State at the earliest possible time; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized and directed to examine the various systems for mass transportation presently suitable to this State to determine the feasibility of utilizing one or more such systems to meet the future needs of this State; 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. (H. P. 2079)

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This is simply an order that would empower the Legislative Council to either study this or parcel it out to be studied, as was suggested in the debates that were held on this matter on several occasions. And I would move its passage.

Thereupon the Joint Order received passage and was sent up for concurrence.

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

Bill, "An Act Creating the Maine Consumer Credit Code" (H. P. 2043) (L. D. 2582) (H. "A" H-777) (H. "B" H-778) (H. "C" H-779)

Tabled — March 21, by Mr. Simpson of Standish

Pending — Passage to be engrossed

Mr. Donaghy of Lubec offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-784) was read by the Clerk

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: It may surprise you to know that I am in favor of Uniform Credit Code. I am in good company. And I will read a message from the White House. Dated January 3, 1973. A statement by the President.

This is addressed to the Commissioners of the Uniform Credit Code:

"Publication today of the final report of the National Commission on Consumer Finance is good news for all Americans.

"I welcome this opportunity to express my personal appreciation to the members and staff of the Commission for their painstaking work over the past three years and to assure them that we

will give the closest attention to their findings and recommendations.

"In reviewing the state of consumer finance, the Commission has been studying something that lies close to the heart of our great free enterprise system. It is the wide availability of consumer credit which permits consumers to finance major purchases out of current income and thus enables our industries to develop and offer many more products than they could otherwise.

"What this has added up to, of course, is what we call the American way of life — the highest standard of living that any society has ever produced.

"It is therefore vital to ensure that our consumer finance system continues to provide consumers with adequate credit at reasonable rates. The Commission's detailed research and comprehensive report should help us to determine whether our system is fully adequate for this purpose and how we might strengthen it in the future."

And this is signed by Richard Nixon, President of the United States.

Ladies and gentlemen, I have spoken before saying that this bill was not ready. I continue this despite the fact that on checking with the Secretary of State's office I find that the gentleman from Portland, Mr. Spingol, is not registered as a lobbyist, but he has been out here trying to push this thing through as it is. And I find it should be amended. And this is not trying to stop the bill. But I think it is a fine idea. But there are many places that should be amended. For instance, we have this bill, this Uniform Credit Code, has been enacted in six states; Colorado, Idaho, Indiana, Oklahoma, Utah and Wyoming. I would like to see Maine join these.

But on top of that, if we are going to do it at this time, we should be sure that the wording of our bill is correct. And this first amendment I am offering is to not just say you have to notify the people, but that you can't cancel until after the notification period has taken place. And if you look at your bill at paragraph 4.304 you will find that it tells them to notify the people, but it doesn't tell them they can't cancel. So I add this amendment so, hopefully, the insurance will not be

cancelled until after that period of time.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I believe this is the fifth amendment to be offered to this Credit Code. And I think that many of us are aware that a bill can get so topheavy with amendments that it topples.

And I am not accusing anyone of anything, but I am sure that many of these amendments have been offered because the sponsor of the amendment feels that there is a need for the amendment to meet a particular need. However, if it were the purpose of a person to attempt to kill the bill, he might do it, too, by offering the amendments to lead to this toppling.

This is a very complex bill. People spent a long, long time on it. There were many accommodations made, we are certain of that. And a bill that goes through a long process like that reaches a balance, an equilibrium, which in the opinion of the committee that has worked on it is the best form that that bill can be put in, in order for it to survive, when it involves as many considerations such as this bill does.

Now what happens when you load it with amendments? Each time you put an amendment on you shift the balance. And you open up opposition. When an amendment is offered we hear, mainly, the viewpoint of the proponent and we aren't apt to be aware of all the other considerations that are involved. So I think we are witnessing here the death of what I believe is good legislation. And why do I think it is good? Because no one agrees with it. Everybody objects to it. And that is a pretty good sign that is good legislation. When you see legislation coming in that someone is just gunning it right along the road, you better watch out. But this one here, everybody objects to, features of it. So I think it is probably pretty good legislation. And I hope we review these amendments very carefully and attempt, each of us, to make our analysis of the impact of the amendment on the bill and the entire situation.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I am not for nor against this bill in its present form. But I will tell you one thing right now; if we are going to have this bill you want this amendment, because I, in the past, have had considerable insurances I have had on for protecting mortgages and notes, etc., etc., that used to be my business.

And I will tell you right now; I would hate to have them cancel an insurance policy without me knowing it. And I think if we are going to have this bill — I am not in favor of amending it to death — but if we are going to have this bill at all we want this amendment. And I think the insurance people will agree with me that's here today; I hope they do. Because I know I would be against it if this amendment goes off.

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

Mr. DESHAIES: Mr. Speaker and Ladies and Gentlemen of the House: I completely agree with Mr. Finemore. I see nothing wrong with this amendment. The Statement of Fact says: "The purpose of the amendment is to prohibit cancellation of insurance without due notice to the creditor." I see this as simply to comply with the insurance laws we passed at the last session. It is as simple as that.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you folks won't listen to the gentleman from Pittsfield. Perhaps this is the way politics was run when he was down here in the front row in the corner. But this is true; it is a needed amendment on this bill if we are to pass it in good form. Actually, not form, but good substance. There was something left out. So, please, pass this amendment.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Ladies and Gentlemen of the House: I haven't heard one speaker oppose this amendment, yet. Mr. Susi got up and made some statement about amending bills to death. But nobody has really talked against the amendment. Maybe

we ought to have the amendment, some action taken on it.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Pittsfield, Mr. Susi, said that this is good legislation because so many people are objecting to it. And I would, through the Chair pose a question to my good friend, Mr. Susi; that if we had a bill here before us legalizing murder and a lot of people objected to it, would that also become good legislation?

Thereupon, House Amendment "E" was adopted.

Mr. O'Brien of Portland offered House Amendment "H", and moved its adoption.

House Amendment "H" (H-787) was read by the Clerk.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: This is an amendment to reduce the high interest rate slightly, and very slightly. It was recommended by Mrs. Weil, the Commissioner of Business Regulation, the same recommendation as was Amendment "A" and Amendment "B" which we have already adopted.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, this amendment here, in under Part 2, it refers to supervised financial organizations; which I understand to be banks. And in Part 3, supervised lenders, which I understand to be small loan companies. And I understand the impact of this amendment would be that banks would be limited to the percentage rates as outlined under 2, namely; 18 percent for \$1,000 or less; 15 per cent, \$1,000 to \$3,000; 12 per cent over \$3,000. Small loan companies handling loans would be 30 percent on \$500 or less, comparable to the 18 per cent for banks. 21 per cent on \$500 to \$1,000, comparable to the 15 percent of the middle bracket for the bank, and 15 per cent on \$1,000 to \$3,000, comparable to the 12. So it would put the small loan companies back into

operation here in an area of loans that appear to me to be struck out just for the small loan companies, the bank is not being given a chance to compete with the same business, inasmuch, as their rates would be paid at a much lower level. So I would move for indefinite postponement of this amendment.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make comments on Mr. Susi's recommendation for indefinite postponement. For some reason, this gentleman lives in constant fear of the small loan word. If he would read the bill, all this amendment does, as recommended by the Business Commissioner, the Commissioner of Business Regulation, was reduce the rates. If he is against this amendment, then he has to be against the bill, because the bill has got an even higher rate of interest.

Mr. Speaker, I would pose a question through the Chair that every time some attempt is made to reduce the high interest rates that are in this bill, it comes under attack. My question is, Mr. Speaker, based on the evidence of those who are supporting this bill and those who are pushing for it and those who are lobbying for it, sir, I would ask if the title consumer credit is germane to the bill?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The question here is the approach that this consumer credit bill takes. The consumer credit bill that you have in front of you has attempted to place all people who are in the business of extending credit on an even basis. Nobody is supposed to have an advantage over anybody else. If you adopt this amendment, you are giving the small loan companies a segment of the market which was carved out for them and them alone. The responsible lending agencies, such as banks, will not be able to compete in this market. I think that is the whole thrust of the thing.

The bill, as it was introduced, has attempted to even out the extension of credit and make it competitive for all. If you want to provide a special section for the small loan companies, then vote for this amendment. I hope you will vote for indefinite postponement.

Mr. O'Brien of Portland was granted permission to speak for a third time.

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I don't understand what the small loans has to do with this. Presently in the bill, which I am hoping to reduce the interest rates that is allowable under the bill that the small loan companies can't charge, that is what the bill is now. I want to reduce those rates, and I want to reduce the rates allowable under the bill that the banks are allowed to charge. The small loan companies could do more business under the bill than they can under my amendment.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Another phrase has been interspersed here and it is small loan companies. For some reason or other, people seem to get completely hung up whenever these two words are used together. They seem to have as distasteful a connotation to many as equal rights has a wonderful connotation. I don't quite see why. In my opinion, there still is and always will be a place for small loan companies. I will admit that certain people do get in over their heads as far as their interest goes, but those same people, if they were able to borrow from banks, would do the same things there.

Small loan companies to certain people are just as important when they want to buy something in a hurry and don't have the money as a reputable line of credit with a bank for those persons who are fortunate enough to be able to borrow their money via that route. I cannot see why they keep terming the small loan companies as a very evil giant, out to completely destroy the people of the State of Maine.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: As you can see,

I won't be talking very long because I lost the thing I talk with. I think the gentleman from Bath, Mr. Ross, has made a very good point, perhaps there is a place for small loan companies, but I don't think we want to make a special place for them. What this amendment does is make a very special place for them, carves out a section of that market, all by itself, excludes competition from the banks. I have never said at all that small loan companies shouldn't do business if they can compete with the other vendors.

We have established a 36-month rule with this piece of legislation; we are extending it to all by using the same rate structure. I think that is good enough. I don't think we want to artificially create a place in the market where small loan companies alone can operate. I hope you do indefinitely postpone this today and I would ask for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 Pittsfield, Mr. Susi, that House Amendment "H" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Boudreau, Briggs, Cameron, Carter, Churchill, Connolly, Cooney, Curran, Curtis, T. S., Jr.; Dam, Davis, Dow, Drigotas, Dunleavy, Dunn, Evans, Farnham, Farrington, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hobbins, Hunter, Immonen, Jackson, Kauffman, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LeBlanc, Lewis, E.; MacLeod, Maddox, Mahany, Martin, Maxwell, McKernan, McNally, McTeague, Morin, V.; Morton, Mulkern, Murray, Norris, Palmer, Peterson, Pontbriand, Pratt, Rolde, Rollins, Shaw, Simpson, L. E.; Smith, D. M.; Smith, S.;

Susi, Tierney, Trask, White, Whitzell, Wood, M. E.

NAY — Berube, Binnette, Bither, Brawn, Brown, Bunker, Bustin, Carey, Carrier, Chick, Clark, Conley, Cressey, Donaghy, Dudley, Faucher, Ferris, Finemore, Gauthier, Hancock, Hoffses, Jalbert, Kelleher, Kelley, Lewis, J.; Lynch, McCormick, McHenry, Morin, L.; Najarian, O'Brien, Parks, Ross, Sheltra, Shute, Silverman, Snowe, Sproul, Stillings, Talbot, Theriault, Trumbull, Twitchell, Walker, Willard.

ABSENT — Albert, Bragdon, Chonko, Cote, Cottrell, Crommett, Deshaies, Dyar, Emery, D. F.; Farley, Fecteau, Flynn, Genest, Herrick, Huber, Jacques, LaPointe, Lawry, Littlefield, McMahon, Merrill, Mills, Murchison, Perkins, Ricker, Santoro, Soulas, Strout, Tanguay, Tyndale, Webber, Wheeler.

Yes, 72; No, 45; Absent, 32.

The SPEAKER: Seventy-two having voted in the affirmative and forty-five in the negative, with thirty-two being absent, the motion does prevail.

Mr. Donaghy of Lubec offered House Amendment "F" and moved its adoption House Amendment "F" (H-785) was read by the Clerk.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid in the Statement of Fact I got carried away when using the ERA in that because every one seems to like it. Actually, this is a very simple and necessary thing if we are not to get involved with the sort of discrimination between the sexes and also the chance that in order to keep at the high rate of interest that is provided in this bill on certain installment types of loans. The bank in this case will say, "We can't let you have any more Mrs. Smith, because you are a woman, but if your husband wants to come in here we will make a loan to him." So you have two loans at the high rate. This kind of rules this out.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I want to inform the members of the House that I

am not Mrs. Smith's husband but I would like to comment on this bill, if I may. This is a very well orchestrated set of amendments that you see here today. If they can't make it through the front door, they will make it through the back door. What we have done in this bill is set up a series of steps in interest rates. On the first \$300, a small loan company or anybody else can charge up to 30 per cent. The next \$700 is 21 per cent. Anything over that is 15 per cent.

Let's take the example of somebody that wants to under one of these loans get \$600. Under this bill, the first \$300 could be at 30 per cent. The next \$300 of that \$600 would have to be at 21 per cent under my bill. What Mr. Donaghy is trying to do here is to circumvent that reduction, that rate reduction, so that the husband can go in and get \$300 at 30 per cent; the wife can go in and get \$300 at 30 per cent. It is undermining the very fabric and structure of this bill. I certainly hope you won't accept this amendment either. It is terrible; it is repugnant, and it is contrary to the spirit of the bill. I move for indefinite postponement.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: In the first place, I thought this was Nancy Clark's bill. In the second place, this amendment does just the opposite of what the gentleman from Dover-Foxcroft is trying to tell you it will do. What I am trying to stop is the bank from saying, you can have \$300, the wife, then say to the husband, you can have the extra \$300, but we can't let your wife have all that \$600. So there are two \$300 loans.

The SPEAKER: The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Smith, that House Amendment "F" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mrs. Boudreau of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of

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 Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does exactly what the gentleman from Dover-Foxcroft said. It allows small loan companies, especially, to avoid having to give a loan at a reduced rate. They could divide it between a husband and wife and get a high rate. Therefore, I hope you will indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question. Maybe I don't understand the punctuation in this. I think it works more like Mr. Donaghy said. Evidently it would be husband or wife if you were going to sign those separately. It could be a husband or wife. This way it is husband and wife. So evidently they are both going to sign the one note. It is going to be a joint note. It is not going to be a single note. If it is a joint note, it should be the opposite of what Mr. Smith has said. Maybe I am reading it wrong. I am not going to say, because I didn't get in school very far, but it says husband and wife. Husband and wife is a joint note. I am very familiar with notes.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: These loans are generally given on the basis of qualifications of a household, husband and wife together. What the gentleman from Lubec, Mr. Donaghy's, amendment is going to allow is simply a household that qualifies for a \$600 loan would have to pay 30 per cent on the entire \$600 loan. Under the bill, the rate structure would permit a qualifying household, husband and wife together, to

get the first \$300 at 30 per cent and the second \$300 at 15 per cent. They talk in terms of households.

Mr. Donaghy's amendment is an attempt to undermine that rate structure and to allow the small loan company or whatever to charge the full 30 per cent on the full \$600. I plead with you today that you help defeat this very, very bad amendment.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for speaking again. I think probably I am well aware of notes. I worked in a bank when I was a young man, coming right up through. Notes were notes and there were lots of them. If this isn't a joint note, I never saw one, the way this is written. And if that is the way it is written, it is better for each one to borrow \$300. I am going to stick right to it. As long as this is husband and wife, it is a joint note. If it was husband or wife, it would be a different proposition.

I don't know whether we are trying to be railroaded here or what. And I will say again, I am not for killing the bill at this time, but I still think this amendment is a good amendment.

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

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Dover-Foxcroft, Mr. Smith, has explained this amendment very well. I think perhaps the confusion here is that in the amendment the gentleman from Lubec, Mr. Donaghy, in the Statement of Fact, says that it does something that it doesn't do.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Smith, that House Amendment "F" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Baker, Berry, P. P.; Berube, Birt, Boudreau, Brawn, Briggs, Bustin, Cameron, Carey, Carter, Chick, Clark, Conley, Cooney, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Drigotas, Dunleavy, Evans,



Farnham, Farrington, Faucher, Fraser, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Immonen, Jackson, Kelley, Kelley, R. P.; Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, Palmer, Peterson, Pontbriand, Pratt, Rolde, Rollins, Simpson, L. E.; Smith, D. M.; Smith, S.; Stillings, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, White, Willard, Wood, M. E.

NAY — Ault, Binnette, Bither, Brown, Bunker, Carrier, Churchill, Deshaies, Dudley, Dunn, Ferris, Finemore, Hoffses, Hunter, Jalbert, Kauffman, Kelleher, Keyte, Lewis, J.; Lynch, McCormick, Morin, L.; O'Brien, Parks, Ross, Shaw, Sheltra, Shute, Snowe, Sproul, Trumbull, Walker, The Speaker.

ABSENT — Berry, C. W.; Bragdon, Chonko, Connolly, Cote, Cottrell, Crommett, Dyar, Emery, D. F.; Farley, Fecteau, Flynn, Gahagan, Gauthier, Genest, Huber, Jacques, LaPointe, Littlefield, Merrill, Mills, Murchison, Perkins, Ricker, Santoro, Silverman, Soulas, Strout, Tanguay, Tyndale, Webber, Wheeler, Whitzell.

Yes, 84; No, 33; Absent, 33.

The SPEAKER: Eighty-four having voted in the affirmative and thirty-three in the negative, with thirty-three being absent, the motion does prevail.

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

Mr. DONAGHY: Mr. Speaker, a parliamentary inquiry. I voted on the prevailing side here because if what Mr. Trask and Mr. Smith have said is correct, this is not what I was trying to do, and evidently in the drafting there has been an error.

The bill itself does not do what I think we want, and that is to be able to divide these loans up. My intent was to keep it from being done, so that you could have two or three hundred dollar loans and keep it at the high rate.

What I would like to do is table this for a few minutes until I take this down to the Research Office and find out what has happened here or something of that nature. I am on the prevailing side.

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

Mr. SIMPSON: Mr. Speaker, I move this lie on the table until later in today's session.

Thereupon, Mr. Jackson of Yarmouth requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this matter be tabled until later in today's session. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

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

Bill "An Act to Regulate the Sale and Processing of Crawfish" (S. P. 937) (L. D. 2575)

Tabled — March 21, by Mr. Greenlaw of Stonington

Pending — Passage to be engrossed

Mr. Greenlaw of Stonington offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-788) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I do appreciate very much you giving me the opportunity to try and put this bill in a position that is acceptable to I hope everyone. I beg your indulgence for just a minute to try to explain what has transpired since we debated this measure yesterday.

The gentleman from Houlton, Mr. Bither, has already indicated to me that if I didn't, he was going to ask me to explain the amendment, so I will.

I must admit, and I am a little bit red-faced, and I would like to apologize to the House because basically what House Amendment "B" does, what it contains, is pretty much what was contained in Senate Amendment "A". The reason yesterday that I was trying to kill Senate Amendment "A" was to put back the penal bond in the bill.

I talked with a number of people about the concept of a penal bond yesterday. It seemed to be an idea that was objectionable, and rather than try and debate that concept today, I felt that perhaps we could do without it, and if this bill was to be enacted, have it in force for a period of time and if it becomes a problem we could certainly consider it in another legislature.

There are some changes from Senate Amendment "A". There are some words that have been put back in the bill, or have been left in the bill. Actually we did kill Senate Amendment "A". There also was some revision on House Amendment "B", which states on the front page, subsection 3-E, all fees collected shall be deposited with the Treasurer of the State, the proceeds used to carry out the purposes of this chapter. What we hope to do is to be able to provide funds, as a result of this bill, to hire an investigator or another warden in the department to enforce the provisions of this act. I hope at this point that we have worked out all the problems.

I know the gentleman from Standish is going to offer another amendment here which adds a couple of words which clarifies the situation, which I think is perfectly acceptable. I think this has been a very frustrating situation for those of us who represent coastal constituencies, and before I sit down, I would just like to indicate something of what we might expect if this bill does become law.

I have here a box which did contain South African rock lobster tails. And for those of you who think that you are going to be able to get inferior lobster at a cheaper price, I think I have got a sad awakening for you. This box contained about three lobster tails, the total weight of eight ounces. From my understanding, in different states it sells anywhere from \$2.29 to \$2.79. The net weight of the lobster tails per se, I would guess, might be in the vicinity of six ounces. So this puts this in terms of cost per pound somewhere in the five or six dollar category.

In closing, I think I feel that perhaps I have had a club over my head or a noose around my head in the sense that as we all know, there is a case pending in Cumberland Superior Court on this. I

have talked with the fishermen and the people in my constituency. I know other coastal legislators have done the same. I think there is a general feeling that if this case is pursued, perhaps it would fall, and perhaps this is a reasonable compromise. At this time, I would ask for the adoption of House Amendment "B" and your support for passage of the bill.

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

Mr. BRAUN: Mr. Speaker and Members of the House: I have just been reading this amendment here, and I don't think that some of these know that the fresh water also has a crawfish that is being sold for bait. I think this is referring — they intend to salt water those to be sold for human consumption, but it doesn't say so here. It says that those in markets, hotels, restaurants, stores, or places where it is served. There it says, "bought or sold." Our bait dealers that are having fresh water crawfish for bait, have they got to get a separate license if this amendment goes through?

The SPEAKER: The gentleman from Oakland, Mr. Brawn, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker, I am not going to answer Mr. Brawn, incidentally, but since I was mentioned as being interested in this amendment, I would like to say that I have nothing against the bill, nothing against the amendment. I just wanted to keep Mr. Greenlaw from Stonington honest, because it seemed to me when I read the bill, this is exactly the same bill as he says. He has explained two or three little word changes that a gentleman from the other body presented and we killed the other day. I hoped that he would say somewhere in his dissertation that he wasn't mad at that gentleman, but he didn't, so I don't know why he has substituted his name for the other gentleman's name. And I don't know that I care right now. We have got the thing all cleared up.

The SPEAKER: The Chair recognizes

the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: If the gentleman from Houlton, Mr. Bither, is trying to make me eat pheasant, I will. I am red-faced. It is certainly not my intention to substitute my name on this amendment from the gentleman in the other body who offered it.

There are, I think, some substantial changes. As I indicated, the reason I was trying to offer House Amendment "A" was the penal bond.

If I may continue, I think the gentleman from Oakland, Mr. Brawn, did have some legitimate questions. And quite honestly, sir, I do not have the answer. I just don't know. I see Mr. Simpson over there shaking his head no, so perhaps he could inform the gentleman from Oakland more on this matter.

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

Mr. SIMPSON: Mr. Speaker, to answer the gentleman's question, the answer is absolutely no. It pertains to the definite part of the statute dealing with crawfish and lobster.

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

Mr. BRAWN: Mr. Speaker and Members of the House: There is also a part of the statute that deals with crawfish, fresh water crawfish that is for bait, and they will have to have a special license to buy it. If this goes through, it says "where any crawfish is sold." This does not say salt water in any way, shape nor manner. I want to know if they have got to have another license, because the dealers have called me already to find out. In the statute it says crawfish.

Thereupon, House Amendment "B" was adopted.

Mr. Simpson of Standish offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-789) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

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

Bill "An Act Creating the Maine Consumer Credit Code" (H. P. 2043) (L. D. 2582) (H. "A" H-777) (H. "B" H-778) H. "C" H-779)

Tabled—March 21, by Mr. Simpson of Standish

Pending—Passage to be engrossed

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: The people in the Research Office weren't there, so I urge you to bear with me and let me read to you what the bill says and what the only change that was made says. I am not the brightest person in the world, but I used to be a school teacher. If you will open bill 2582 to page 32, at the bottom of the page is paragraph 3.304, Use of multiple agreements. It states, "A creditor may not use multiple agreements with intent" and then it says, 2. "With respect to a supervised loan." That is a little bit different type of loan than what they are talking about in 1. "A lender uses multiple agreements if, with intent to obtain a higher finance charge than would otherwise be permitted, he allows any person" — that is one person — "to become obligated in any way under more than one loan agreement with the lender or with a person related to the lender. Then 3. — you have to go on — "The intent necessary, under subsections 1 and 2, shall be rebuttably presumed in any transaction in which a creditor who is required to disclose an annual percentage rate which is greater than 18 per cent per year in a significant portion of its consumer credit transactions uses multiple agreements with the result of obtaining a higher credit service charge than would otherwise be permitted by this Article." Now, this means that no person can be asked to take two loans, so that there will have to be two separate loans on this to get the high rate.

Mr. Speaker, if you agree with me, I would ask for reconsideration on this, you are an attorney.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, having voted on

the prevailing side, moves the House reconsider its action where it indefinitely postponed House Amendment "F".

The gentleman from Lubec, Mr. Donaghy, may proceed to debate the issue.

Mr. DONAGHY: Only to say that I wish you would reconsider this, and I would hope that you would vote for this. I do know what I have read, and I hope you read the same thing in the bill.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I apologize to my good friend, Mr. Donaghy from Lubec, for rising when he was still in the process of debate.

Perhaps we are really not dealing with debate on this amendment, because when I listen to Mr. Donaghy and I listen to Mr. Smith, they both seem to be saying the same thing, that they agree as to what they want to do. That is, they don't want this high rate that applies in the first \$300 to be applied twice against a family in a typical consumer loan situation. The gentleman from Lubec, Mr. Donaghy, asked a question of the Speaker as he could almost have a ruling on it. But I guess to rule on the meaning of an amendment is probably not a parliamentary question, so the Speaker probably can't go into it. But I almost wish we did have someone in a neutral position who wasn't involved in the debate and who didn't vote on either side tell us what the answer is. Because we seem to be agreeing that we don't want a family charged that high rate twice by a splitting of the loan; yet we have almost a legal question in the difference as to what the language means.

I have an opinion on it, and my opinion happens to agree with Mr. Smith, not Mr. Donaghy, but I recognize that in the minds of many my opinion would be suspect because I voted one side of the bill. I guess that is the trouble with all of us in this House.

I was interested in the comment of Mr. Trask from Milo, because my understanding of the amendment is the same as his, and I just wonder in the course of this debate, the time we

consume when we are really, at least most of us, are trying to get the same point out of this.

We haven't had in the back of the hall of the House for some time the staff assistant for the Business Legislation Committee, and it strikes me as almost a technical question what this means rather than a political question.

I realize, like all the other folks in this House, I am here in a political, not a technical capacity. And I assume that that is true of all of us, and what I say really has to be evaluated in that way, and I know it, so I don't have much hope that you will let me act as a staff member for the Business Legislation Committee. But I still tell you, if I were the staff member, I think that Mr. Trask's evaluation is correct, that the adoption of the amendment, which is under reconsideration would permit, in a sense, this high charging twice in a family situation.

It strikes me, Mr. Speaker, that it is too bad that we don't almost have someone sitting down here who could stand up in a non-partisan, non-political way and answer these technical questions.

The SPEAKER: The Chair would comment that the court, if they were to look at the debate some time in the future, in construing this statute would no doubt be influenced by what is said here on the floor of the House.

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

Mr. DONAGHY: Mr. Speaker, a parliamentary inquiry. This bill could be amended again before enactment, is this correct?

The SPEAKER: The Chair would inform the gentleman that matter was in order for engrossment until the gentleman, yourself, just moved to reconsider whereby we indefinitely postponed House Amendment "F". A matter may be amended at any time, but at enactment you would have to back it off, which would require a two-thirds vote at some stage.

Mr. DONAGHY: Mr. Speaker, I would be willing to withdraw this on the hopes that the folks at the Research Office tell me that I was right, I will ask for the House to go along with me on the

two-thirds basis. So I will withdraw it at this time.

The SPEAKER: The Chair would state that a motion to reconsider may not be withdrawn.

The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

13 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late and the weather is bad, but quite unfortunately we are going to prolong this little session a little bit longer, because I feel as though — in this morning's paper some allegations came out in the press that pretty well kind of put me right on the spot. I was asked more or less by the gentleman in the other corner to answer to the people in the State of Maine, and I am about to right now.

Last evening, for those of you who unfortunately went home early, we had a supplemental calendar that had a report on it from the Election Laws Committee. Some of us came in on the floor after listening to the debate in the other body and seeing their actions and very conscientiously put the motion on the floor which prevailed. That issue suddenly broke into what I would consider a donnybrook, and I think most of us felt it did, and the session lasted until somewhere around eight o'clock.

On the reconsideration motion, the gentleman from the other corner from Eagle Lake, Mr. Martin, suddenly placed into the record of this legislature some remarks. Those remarks, to me, were very wildly exaggerated claims directed at some reputable businessmen in a very reputable corporation in this state. I can't stand here today and let them go unchallenged.

At that time, he brought to the floor for the very first time what he considered a report from the Public Utilities

Commission. He said, "I can't get my hands onto it, but I was able to get hold of the Commissioner." At a press conference today, he acknowledged that that Commissioner was one Peter Bradford. He further states that Central Maine Power Company spent \$200,000 in expenses that were reported to the Secretary of State. I believe the report is being distributed to you right now, and if not, it will be shortly. But I believe you will find that the actual expenses reported to the Secretary of State for the entire campaign was \$161,396.61. He went on and he stated that Central Maine Power has attempted to charge rate payers for expenses related to campaign that should rightfully have been charged to the shareholders in four basic areas:

1. Legal expenses; 2. Under billing and mailing list to the tune of \$17,500, which should have been \$17,100. I am not going to quibble over \$400; 3. Use of the Company's facilities at 9 Green Street as campaign headquarters. And then, quote, and I remind you; "in violation of the law."

4: Under reporting of TV advertising; in excess of \$13,000, or \$13,000 for televised and television advertising alone.

He goes on to state a little further; "this total in four areas amounts to \$45,000 that they presently have a finger on. And according to the report, as I understand it, but I haven't seen it, I guess you can't see it so you can't vote on it with that in mind. It is also my understanding, what I have been told as of right now, I take it that that came from the Commissioner, that the figure may be as high as \$100,000. \$100,000 paid by the irate payers of this State and Central Maine in violation of the law. Again, a violation of the law"

Furthermore, he talks about \$100,000 of rate payers money being ripped off. And then he states, "if this is true of one utility; is this true of the other two."

I think we should address ourselves to the report a little bit. Because, you know, that same gentleman this afternoon called a press conference. And at the press conference he now has told the people in this State through the news media that the Republican leadership of this legislature had previous knowledge

of this report, were given copies of the report, and that Norm Temple and other members of the Central Maine Power Company were in this floor in this body yesterday lobbying the issue. And, therefore, last night that when I went on the floor or the Republican leadership went on the floor we had previous knowledge of a report that we subsequently decided that we better use our strength and dump that particular bill at that time before this report came out.

I have checked with my assistant. I have checked with the Speaker of the House. I have checked with the Majority Floor Leader of the other body, the Minority — the Assistant Majority Floor Leader in the other body, the President of the Senate. I think that represents six members of the Republican leadership. And to the best of my knowledge, upon their wisdom, upon their advice to me; they had not seen this report, had no knowledge of the report or its contents. I would, therefore, state that that type of an accusation should be documented on the floor of this House and that the people of this State should be told exactly where it came from. Otherwise, I would have to call it a false accusation from the other corner.

I would like to go into the study a little bit. On page one of the study you are going to find the total that I said, \$161,396.61. Before I go any further in this study I think I would like to bring something else out on the floor, too. This morning I felt I ought to get a copy of that report, or try to see just exactly what was contained in it. So I called the Chairman of the Commission, but he wasn't there. And I was advised that he was on his way to Boston. I subsequently called his home to see if by any chance he had left. He had not. He was in town with a daughter to a dentist. I called the dentist. I chased him all around town until I was finally able to get hold of him, where I discussed the report and asked him if by any chance I also could have some type of knowledge of what was contained in it to see if the remarks were accurate last evening. He advised me he would cancel his trip to Boston because of the statements that were made in this morning's paper, because he was a little bit upset to find that the commission

itself had not actually ordered the report out, and yet, this was released.

Subsequently, we sent one of our staff people to the Public Utilities Commission. An hour later where I was to pick up a couple of copies. Mr. Feehan was not there. So our question became or was asked, "is there a package here for Mr. Simpson?" And Mr. Bradford in turn said, "Could it be that he is looking for a copy of the report?" And the answer was, "Yes." Mr. Bradford then advised the staff man, "The report is not ready. It has technical changes in it. And it has not been signed by the commissioners." An hour later I was advised by the gentleman that as soon as these technicalities, etc., were taken care of a copy would be delivered to me, and it was.

I reviewed it between sessions. I would like to point out a couple more things. On page 2; to put the entire expenditure in another perspective, Central Maine's total expenditure of \$161, plus, was one-tenth of one percent of its 1973 total revenues.

I would also point out that last night, when it was asked about the other two companies; that the Public Utilities Commission did take a look at the other two companies; but their interest became solely at Central Maine Power's activities in this campaign.

Page 6. The top paragraph, full paragraph. It states: "Each of these areas of expense must be tested against two questions. One; have the expenditures been accounted for properly pursuant to P.U.C. accounting requirements? And, two; is the result equitable to the utility customer?"

Further on down, the next paragraph, in the very last sentence; it states: "The Commission's uniform system of accounts presently provides for the reporting of such information."

Top of Page seven states: "But our investigation does show that the maximum cost of total reallocation (From 3-A, 3-B, 3-C and 3-D, plus any tax effort) will not have a significant impact on the revenue requirements of C.M.P." I hope you listen to that and read it carefully.

And then next sentence states: "Because utility earnings are currently below the level set by the Commission,

no actual rate reduction can be ordered at this time." And I would repeat, because you want to bear in mind that that rate is approximately seven per cent. It stated: "Because utility earnings are currently below the level set by the Commission, no actual rate reduction can be ordered at this time."

Then they go into their conclusions on page 8. And they get into these areas which the gentleman from Eagle Lake properly and rightfully referred to. And if you total these up it comes to some \$45,000. And if you throw in some extra money that you could talk about as far as making use of 9 Green Street, which they couldn't seem to get any figure on a pro-rated share, and their other items; it doesn't come anywhere near \$100,000. It talks about \$45,000. Well, let's throw in a few thousand and call it \$50,000. But the point in this whole study is this, this is not money being charged to the rate payers in this State. And read the report, because that is exactly what it says. All the report says is that the methods of reporting of this type of political activities in referenda need to be changed as far as the Commission goes itself. And their recommendations in this report and their findings state: "That these four areas, the amount of money that was charged against, should have been charged for political activity should be reallocated in their audit or in their books."

Now, it's there. It was reported. All they want is to have is show in a different account such that at any time Central Maine Power ever comes to them, or any other utility ever comes to them, and seeks a rate increase; that those figures can not be used as justification for that increase. And that that money has to be charged against the shareholders and not the rate payers.

They state: "We regard it as our clear statutory duty to see to it that customers pay only for utility activities related to supplying the utility service." And that is exactly what this report bears out. And it is exactly what their findings are.

The summary, on Page 13. "The purpose of this investigation has been to assure that our reporting requirements are adequate to protect the utility customer from a type of expenditure

that we have not previously encountered. The conclusions set forth above and the specific accounting orders that will follow will make clear our conviction that referendum and politically related expenditures by utilities must be allocated to the owners of the utility, not to their customers. When expenditures serve both political and utility purposes an equitable allocation must be made.

"Summary of above: Reallocation may involve some tax liability because items that the company might normally have treated as deductible business expenses may now become non-deductible political expenses, thereby increasing taxable income. If this occurs the increased tax must also be treated as a referendum expense and charged to the stockholders."

Then the next one I think is important. Page 14. "We should note that our investigations report do not involve the election laws. Copies of the report are being made to all parties involved in this proceeding as well as to the legislature, the Campaign Reports Committee, the Secretary of State and the Attorney General, for they are the officials charged with the enforcing and shaping of the election laws.

"The Public Utilities Commission reaches no conclusion as to the adequacy of any utility's reports pursuant to laws whose enforcement is beyond our jurisdiction. The Commission's uniform system of accounts for electric rates does not provide specifically for the reporting of expenses incurred for political and related activities. Such expenditures have been included along with a variety of other miscellaneous costs under Account No. 449, miscellaneous deductions from income."

And then they go on. "Effective immediately this Commission will require all electric utilities under its jurisdiction to maintain a subaccount under Account 449, under which all expenditures for political and related activities as defined in Section 426.4 of the Uniform System of Accounts prescribed for public utilities and licensees, both Class A and Class B, prescribed by the Federal Power

Commission shall be charged. And we would further require that such charges to this subaccount be reported as a separate item in the annual report to this Commission."

Ladies and gentlemen, I don't see just exactly in that report what we were told on this floor last night, and what the people in this State were told today, relative to our position, or my position, or my party's position, or Central Maine Power's position in this thing last night.

And upon further checking today and in talking with the Commissioner, the Chairman of the Commission, he once again pointed out that in this report that Central Maine Power in no way had violated any federal or state law; and that in no way did they violate any reporting procedures of the Public Utilities Commission. And if their staff audit completely clears the Company and verifies this as established reporting procedures. The only question is the question of reallocation on their books now to the point that the rate payers in the future will not be charged for any such activity because of this particular campaign referendum. That also, they did not exceed their limitation; and that everything was accounted for.

To me, I feel that when we are talking about \$45,000 which this has reallocated, becomes to me very miniscule, nit-picking, and blown completely out of proportion on this floor last night.

The gentleman from Eagle Lake, Mr. Martin, was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House:

First of all, I would like to briefly outline the situation for those who were not here last night. Very brief words.

Secondly, to outline the report and comment on some of the things contained in it.

And, three; to document the roughly \$100,000, whichever figure you want to use. Because I think that can vary. I think it can vary from \$50,000 to \$100,000. I don't happen to be a believer that \$100,000 is a little much money, and I don't believe that \$40,000 is much money. It depends, I guess, whose pocket you are taking it. I certainly expected, as the gentleman pointed out, the gentleman

from Standish, to defend the Central Maine Power Company. I understand that without any problems. I do think, though, that the gentleman ought to perhaps ought to listen to the tape that was taken of that press conference this afternoon, taken by a member of the press, containing the exact words of my reference to Republican Leadership. As I recall my comments, and I can go back and I guess I would like to review them again, I recall I referred to House Republican Leadership and not to the entire legislative leadership. And I will discuss exactly what I said.

First of all, I think in proper perspective we have to keep in mind how all of this occurred last night. You may remember that I asked, before anything happened, before anything was said; that we table this one day. Because I understood there was a report that was being made. And it seemed to me it would make sense to try to have that report in front of us as we decided the issue of election campaign reform or referendum campaign reform. That is all I said. And I sat down. And I suggested maybe that someone ought to table it.

The gentleman from Standish then got up and said, "I am going to surprise the gentleman because I am not going to do that."

And then I got up and I moved to table. And that started the Standish fiasco. And from there we went for the rest of the evening.

Now that is the proper perspective. That is where we began that. And that is what I think we ought to keep in mind.

What I told members of the press was that I asked repeatedly in my questions last night, over and over and over again. And I don't know if it was five or it was seven times; for the gentleman to tell me why the vote had to be last night. And I don't recall any answers coming forth. And I don't recall anything else coming forth.

I also will tell you what I told the press this afternoon. I told the press that, basically, what had happened last night concerned me, based in part on rumors that I heard off the floor yesterday, last evening. And then putting thoughts to mind as to who was running around the



State House and checking with the Secretary of State's office today to see who was a registered lobbyist for Central Maine Power Company. And I found that Central Maine Power Company had two registered lobbyists; a Mr. Dubord and a Mr. Marden, both of whom I know very well. And I also found out that one particular individual, an official of Central Maine Power, spent a couple of days around here this week talking to various people, and I don't know about what, and I didn't bother asking and I am not concerned. That is his business. But he was around. And, obviously, he was not a registered lobbyist. So I assume that he was just saying, "Hi", and "Good-bye." And that is where I left it until I found out, someone told me, there was a rumor circulating around the legislative halls that there was a report being prepared. And, frankly, I had forgotten about it.

So yesterday afternoon I called the Public Utilities Commission and asked if this was true, and they told me that it was. I asked them if it was ready. They indicated it probably would be ready shortly, but they didn't know when they would release it. And I said, "I think it ought to be released now. If it is completed, it ought to be released." And that is all I knew when I came into that debate last night.

Now we went through this fiasco. And you may remember that we then got involved in a roll call being ordered on a motion to reconsider. There was no way that I could personally go out and call. I had someone go out and call for me. To find out if we could reach the Commissioner. I finally reached Commissioner Bradford. And I asked for a copy of the report. He indicated it was not ready because there had to be some changes made to it. And at that point I said, "Why can't I get that?" And he said, "No, you can not." So I was told of that. And I went back to the rope in the back, and I said, "I want to know what substantially that report contained, because I think the members of the House ought to have some idea, before they vote, what is in that report." And so informed you what I was passed on. And I indicated a number of times last night that I was passed on information that I had, and that information I had not seen

with my own eyes. And I was not reading from any prepared text because I didn't have any.

This morning I asked a member of this body to go to the Public Utilities Commission to pick up a copy at eight-thirty. When he got there the Secretary of the Commission had it in his typewriter and it was unavailable. I called again at 10:00 and was told it was being prepared. Then, finally, about twelve-thirty this afternoon it was brought — or at least a copy of it was brought to the Governor's office, and I was standing there and a copy, my copy, was given to me at that time. That, basically, puts in perspective what transpired last night and what happened today.

The point that I was raising last night was that I did not know whether election laws had been violated. And I didn't know whether the P.U.C. would ever deal with that issue because I didn't know whether it was in their proper perspective anyway. As it appears, obviously, it was not. They, obviously, did not discuss that particular problem. I felt strongly that we ought to have a vehicle available if the Commission report showed that there ought to be changes made in our procedure. And after reading this today I think some changes ought to be made before we have another referendum question in Maine. Not only to control Central Maine Power, but to control any other utility, any group, whether the group is pro or anti anything. And also to control the anti group as well. Whether we are talking public power or the anti group. I think both of them ought to be covered by the law. And I think that they ought to follow the law. And I think they ought not to take funds that come from the public or the other way around, whatever way it is going to come, and use it to defeat an issue. And I think Central Maine Power, when they are passing on to the rate payers — or Maine Public — or any one — that they ought to account for those dollars, because they are in fact a monopoly. And, in fact, I sort of look at them as somewhat of a governmental agency. Because they are the only ones we have to get power from.

Let me just talk about what I said last

night, and to talk to you about that \$100,000 figure. And I think it can be arrived at very easily if you have your report.

First of all, the gentleman from Standish, Mr. Simpson, indicates, on Page 2 he said; that Central Maine Power indicated that they had spent \$161,000. Last night I guess I said Central Maine Power had spent \$200,000. Obviously, I should have referred to it as canned ham, or whatever they want to call it for short, CAPAM, had spent, as you will note on Page 2, a figure of \$243,236.12 in defeating public power. In other words, that was the total amount that was spent by all the utilities. Keep in mind that the money that was spent in the campaign reported, 95 per cent of that money came from the utility companies, came from the shareholders, came from the employees or utility executives, or their suppliers. That means that 95 per cent was internally generated by the utility companies for the defeat of public power.

Just a point of information.

The reason I indicated last night that I thought we ought to wait is found on Page 3, if you care to look at it. I suggested last night that maybe we ought to wait, because I thought that this study might be usable for us in deciding an issue. And you will note, Subsection 4, in that first paragraph; this investigation was to ensure; Four, that all possible information was available to assist the legislature in the event of further referendums related legislation. Period. That was what I was trying to ask last night.

Then they go on in a number of things. And I think the gentleman sort of skipped a couple of points. But I would like to make sure I correct. I don't skip them. Where does the figure that I came up with come from? And I would just like to show it to you.

Starting on Page 8; the expenses and value of mailing political material in customer bills. The Public Utilities Commission feels as a result of this decision that at least \$17,100 — and you find that figure on Page 9 at the end of the first paragraph — ought to be allocated for political reasons. Then,

Second; legal fees and other expenses resulting from the mailing ought also to be counted. There is no monetary value put on this figure because none can be given. Since you would have to separate what amount of work that the lawyers put in to defeating it, versus, the amount of work they, in fact, did in securing easements or whatever else they might have done for the company. You could put any figure you want to, the figure of the attorneys fees. Mr. Speaker, at least, is an attorney. And I don't know what they are charging; but anywhere from \$35 to \$100 an hour. And I am sure if they got \$100 they would be happy. But, anyway, let's assume it is \$65 an hour. And you can multiply that by whatever number of hours you think they might have spent in dealing with the issue of public power, especially in preparing the communistic red pamphlet that they had, and all the legal works that went with it. I am sure that I could — the Speaker looks wondering what I am saying — I guess I am talking about the nice colored, the red colored, the pamphlet that was prepared for distribution in the anti-power campaign. And it referred to some of us; it looked like the red scare all over again.

The third item in which the Commission discusses on Page 10; the amount of allocation of funds that ought to be set aside for the use of 9 Green Street, and I indicated that last night that it had no monetary value. The Commission does not either, but they do indicate that there was a fund-raising letter that went to shareholders that came from 9 Green Street. There were a number of letters that went to employees that came from that office. The commission indicates, if you look on page 11, "We will require" second line, "a separation to be made on a fully allocated cost basis. Among the items included will be taxes, heat, insurance, maintenance, depreciation and utility services, a fair share of these costs must be transferred to the referendum account." That means that the telephone bills and telephone calls that were spent by officials of the company in defeating public power ought to be borne by the stockholders rather than the shareholders.

I would assume, the way the telephone bills run around here, that we could probably put another \$40,000 in that figure if we wanted to. I don't know, I am just pulling figures right out of the air.

Number 4, they talk about advertising, and that figure that they use for advertising, improperly used, is given to you on page 13 of \$13,169, a figure that they arrived at using last year's advertising versus this year. And finally, they indicate that they are going to remove from the account 698 and put it in account 449.

Last night I indicated that I didn't know for sure whether election laws had been broken, and I still am not sure, I guess, but I do know this. If the officials of the company knew that these funds were improperly used and improperly put in an account where it should not have been, then those figures that were used in that allocation should have been reported in the campaign report to the Secretary of State. Let's place the figure between forty and a hundred thousand dollars that ought to be transferred. If that is transferred in account category, as far as the PUC is concerned, then that figure ought to have been reported to the Secretary of State, and of course it was not. That is the point that I was making last night, and that point holds.

I have today sent two letters. I would like to read them to you. One is addressed to the Honorable Peter Mills, Office of the U.S. Attorney General for Maine, Federal Building, Portland, Maine. "Dear Mr. Mills: Reports released today by the Maine Public Utilities Commission conclude that certain activities undertaken by Central Maine Power during the recent public power referendum were financed at rate payers expense instead of being charged to the stockholders of the company that would have been proper. In addition, these expenditures were never reported to the Secretary of State, as required by Maine Statutes.

One of the financial reports of the committee against public power, filed with the Secretary of State, showed monetary contributions from at least one electric utility located in another state, the Public Service Company of New Hampshire. It is also my understanding that investigation has

been undertaken in the State of Massachusetts to determine the extent of the electric utilities in that state who tried to influence the outcome of public power referendum in Maine.

Since power companies in at least three states may have been involved in defeating public power in Maine, I ask that your office begin an immediate investigation into possible collusion among New England private power companies and to determine whether or not the federal law has been violated."

Second letter, "The Honorable Jon Lund, Office of the Attorney General, State House, Augusta, Maine. Dear Attorney General Lund: The Maine Public Utilities Commission released a report today concerning certain activities undertaken during the recent public power referendum election by Central Maine Power Company. It appears that the report indicates that Central Maine Power charged customers for campaign expenditures that should have been charged to the stockholder's account. Inasmuch as these expenditures appear not to have been duly reported to the Secretary of State, as required by Maine election law, I ask that your office undertake an immediate investigation of Central Maine Power Company's failure to report these campaign expenditures and determine if violation of the law exists. Sincerely yours."

That, I think, puts it in perspective. That is what I have done. We will await their answers, and I think Maine people will get their answer as a result of these two letters.

I want to emphasize what happened last night to me was not needed. It occurred. As far as I am concerned, we might just as well forget it, because it isn't going to solve anyone's problem by raising who started what, maybe. I don't think I started it, but I am sure the gentleman from Standish, Mr. Simpson, will say I did. I think the record speaks for itself.

I do want to point out what I indicated to the press this afternoon, that I was concerned because it seemed to me last night that I was not given the opportunity to table because of an obvious attempt to make sure that this report was unavailable. I never once

said that the gentleman from Standish had a copy of it, because I didn't have one, and I think I would have had one if anyone had gotten one first.

I hope that this solves the confusion. I would be more than happy however, to respond to further comments that the gentleman might have.

The SPEAKER: Is there objection to matters having been acted upon previously this afternoon being sent forthwith to the Senate?

The Chair hears objection. They are not sent forthwith.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you might reconsider that last objection. If anybody wants to hold bills, fine, but it is not so much the case of sending them forthwith as it is giving the clerks the opportunity to get the work done so that they also can get home tonight.

I guess I just want to bring out a couple of comments here in relation to some comments that were just made and stated unequivocally that the reasons that we did what we did last night was because we had prior knowledge of a report. I would hope that the gentleman might include in his letter to Mr. Mills, if he doesn't, I am sure I will, the fact that the group in support of the Power Authority of Maine show a debt at the present time of \$23,334.59 and amounts that are loans to the committee of \$25,750, a total debt of \$49,084.59. Most of these are in the gentleman's name of Mr. Kelley.

It might be interesting to note that while we are talking about individuals who are interested in protecting their corporation and stockholders that were interested in protecting their corporation, that Mr. Mills also investigate some gentlemen in Massachusetts tied with a certain bond company named Solomon Brothers who just recently, by the way, was very successful in picking up one other authority in this state as the bond counsel who made \$1,000 contributions to the Power Authority of Maine referendum. I think basically Solomon

Brothers must have been very much interested in getting those bonds as they did with the State Housing Authority.

It might also be interesting to note that this afternoon we finally have been able to chase down a gentleman who contributed \$6,000 to that campaign, being one of the chief executive officers in another major bond house in Boston. And I am sure that he would be just as interested to know why that type of contribution was made to support the bond issue as well as those coming the other way.

By unanimous consent, all matters, except An Act Creating the Maine Consumer Credit Code, L. D. 2582, were ordered sent forthwith to the Senate.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker and Members of the House: I have indicated over the years since I have been here, and I indicated yesterday, that I was concerned about referendum reform to cover not just Central Maine Power Company but to cover everyone, and if that includes the power group, it includes it. I believe all of them ought to be covered by law. We ought to make sure that they all respond.

But you know, the gentleman made a comment at the end, which I think is most interesting. I am going to pose a question, because I think it is so important. As a matter of fact, as a result of that, we have taken some action. There was a phone call made this afternoon to a gentleman in Boston, and the gentleman in Boston then called Senator Kelley's Law Office in Caribou. I was informed of that and indicated that we ought to immediately find out, if possible, who made the call. So the call was determined to have been made by a certain person, at least he indicated his name to be such, and I would like to tell you what happened. I don't know what is going to transpire. This man was told in Boston that he was calling to find out whether in fact he existed, to determine whether or not he had made a loan. He indicated that he was representing the Attorney General's Office of this State,

the Attorney General's Office of this State. So we checked the name of the person who made the call, at least alleged to have made the call and found that he is not employed in the Attorney General's Office. There is such an individual by that name in another department. That person was contacted. He denied having made the call, at least at the moment. That matter has been turned over to the Attorney General's Office, and they are investigating who made the call, as to whether that name was improperly used, and secondly whether or not the Attorney General's Office was used improperly in terms of referring to it.

I would pose a question to the gentleman from Standish, if he has any knowledge about who made the call and whether or not that person used the name of the Attorney General's Office in making that call?

The gentleman from Waterville, Mr. Carey, was granted unanimous consent to address the House:

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House:

I would say that the gentleman from Standish does not have to answer that question on the floor of this House. Even if he had an answer to that question, I don't believe, and with the immunity and everything that we have, I don't believe that anybody should be in this position where he has to put himself, in a position of being able to get prosecuted or slandered.

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(Off Record Remarks)

On Motion of Mr. Birt of East Millinocket;

Adjourned until nine o'clock tomorrow morning.