

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

HOUSE

Tuesday, March 4, 1980

The House met according to adjournment and was called to order by the Speaker pro tem, Representative Elias of Madison.

Prayer by the Reverend Robert Pulkkinen of the Church of the Nazarene, Dixfield.

Rev. PULKKINEN: Let us pray! O God Almighty, we say with the psalmist, this is the day the Lord hath made; let us rejoice and be glad in it.

We thank you, O God, for your gift of a new day. Help us to make the best of it. We also thank you for the freedoms that we enjoy as Americans and residents of Maine. Help our citizens to enjoy and accept not only the privileges but also the responsibilities attendant to those freedoms. Bless and guide the community leaders and the throng of faithful, conscientious laborers throughout our state. May the downtrodden, the oppressed, the discouraged, find deliverance. Grant, also, your wisdom and grace to these, our representatives, as they govern the people of Maine. As they wrestle with the issues of the day in this room, in the hallways and offices and on the phone, may they, in a special way, sense the work of the divine in it all.

As Jesus prayed we would also pray this morning—Thy will be done on earth as it is in Heaven. May that be so today. We ask this in the name of Christ. Amen.

The Journal of yesterday was read and approved.

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and referred to the following Committee:

Education

Bill "An Act Concerning Cost-sharing Agreements in School Administrative Districts and Community School Districts" (H. P. 1906) (Presented by Mr. Bowden of Brooklin) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence

Study Report Committee on Taxation

(Pursuant to Title 36, Section 1760)

Mrs. Post from the Committee on Taxation in Accordance with Title 36, Section 1760, asks leave to report that, An Act to Revise the Law Concerning Sales Tax Exemptions (H. P. 1908) (L. D. 1974) be referred to the Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative James Reeves of Newport be excused March 3, 1980 and for the duration of his illness.

House Reports of Committees Ought Not to Pass

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Allocate 1/2 of 1% of the Sales and Use Tax to the Department of Inland Fisheries and Wildlife" (H. P. 1837) (L. D. 1941) reporting "Ought Not to Pass"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Create a Severance Tax on Minerals to Help Finance the Department of Inland Fisheries and Wildlife" (H. P. 1838) (L. D. 1942) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Divided Report

Majority Report of the Committee on Education on Bill "An Act Concerning the Temporary Certification of Driver Education Teachers" (H. P. 1592) (L. D. 1702) reporting "Ought to Pass" in New Draft under Same Title (H. P. 1894) (L. D. 1967)

Report was signed by the following members:

Mr. TROTZKY of Penobscot
Mrs. GILL of Cumberland
Mr. MINKOWSKY of Androscoggin

— of the Senate.

Messrs. CONNOLLY of Portland
FENLASON of Danforth
BIRT of East Millinocket
ROLDE of York

Mrs. LEWIS of Auburn
LOCKE of Sebec

Messrs. DAVIS of Monmouth
LEIGHTON of Harrison

— of the House.

Minority Report of the Same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mrs. GOWEN of Standish
BEAULIEU of Portland

— of the House.

Reports were read.

On motion of Mr. Connolly of Portland, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-817) on Bill "An Act to Clarify the Provisions Relating to Executive Conflict of Interest and to Establish Financial Disclosure Requirements for Policymaking Executive Employees" (H. P. 1774) (L. D. 1877)

Report was signed by the following members:

Messrs. SUTTON of Oxford
AULT of Kennebec

— of the Senate.

Mrs. KANY of Waterville
Ms. LUND of Augusta

Messrs. CONARY of Oakland
PARADIS of Augusta

Mrs. MASTERTON of Cape Elizabeth
DAMREN of Belgrade

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. MARTIN of Aroostook

— of the Senate.

Mrs. REEVES of Pittston
BACHRACH of Brunswick

Messrs. BARRY of Fort Kent
LANCASTER of Kittery

— of the House.

Reports were read.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" as amended Report.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, Men and Women of the House: I am speaking for the "ought not to pass" report on this bill. It seriously weakens our present conflict of interest law in several ways.

I would like to call your attention to one important fault, which is the repeal of the former partners laws. The proposed law would place an impossible burden on an attorney general or other important state official who would have no choice but to disqualify himself if his former

partners chose to lobby or appear before the state on a host of matters, such as Blue Cross, land claims, hospital care, public utilities or many other issues which might involve millions of dollars to the Maine taxpayer. It might be the job of the attorney general or other officials to rule on these matters; it is his job to represent the state, but this proposed law could cause him to disqualify himself in case after case after case.

The present former partners laws is based on federal statute. It prevents large, big city law firms from choosing one of their partners to be attorney general and then presuming on their special advantage by lobbying both the legislature and departments of state government. It puts the burden squarely on the former partners not to presume on their special advantage and not to take advantage of their former partnership for a period of just one year. I don't believe that 12 months' business, one year's business, would keep qualified people from applying for these high state offices.

I think this law is needed to protect state officials and enable them to perform their jobs without helping to disqualify themselves from important issues.

The people of the state of Maine want strong conflict of interest laws. A survey of my own constituency shows 100 percent demand for strong conflict of interest laws, and I urge you not to weaken our present law and to vote "ought not to pass" on this bill.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: To tell you the truth, I am worried about this debate. It is the first debate I have worried about. I am hesitant to stand up and try to explain our present law to you and what the changes are recommended by the majority of the committee. I hope I don't lose you; and I just wanted to share my worry with you before getting started.

First of all, I would like to address the particular portion of our existing law that Representative Reeves referred to because it is recommended in the Majority Report that that portion of the law be repealed. The reason for my desire as an individual to repeal this particular law is that it does not focus on current employees, those who hold the public trust, it focuses on someone's former partner. I don't think that is the way we should make laws. I think we should definitely focus on current employees.

It is interesting that for those of you who feel as Representative Reeves does, that they might wish to make criminals out of former partners of an attorney general for practicing before the state, the law, as written, perhaps does not even do just that except in very limited circumstances. For one thing, you probably are familiar with professional associations. That is something that lawyers have created, basically for physicians for tax and liability purposes, and many lawyers, instead of retaining partnerships, are going into these professional associations. They are strictly members of a professional association, so those people would not fall under the existing law.

The existing law was poorly drafted for trying to do what it intended to do. There are many other portions of it that are weak. For one thing, it talks about executive employees and it is not clear if it means all executive branch employees plus the attorney general and our other constitutional officers, it is not at all clear.

Of course, this is the famous Charlie Cragin clause, in that the question was sent to the law court at the time Charlie Cragin was interested in becoming attorney general and the law court declined to give an opinion or ruling on that matter, deciding it was a political question, but it is not because the repeal of this law would be easier to have Charlie Cragin become attorney

general or it would be easier for Jim Tierney or any other lawyer who retains partnership and does not choose to go into the new professional association, which is a corporation, why I want this particular portion of the law repealed. I simply believe our laws should focus on those responsible for their actions, those responsible to the public, our current employees.

We have quite a bit of criminal law which helps protect the public trust under the criminal code, and I would like to list a few of those things—dealing with corrupt practices and perhaps conflict of interest, bribery in official and political matters, improper influence, improper compensation for past action, improper gifts to public servants, improper compensation for services, purchase of public office, official oppression and misuse of information and prohibition against certain state employees from holding an interest in contracts for supplies to the state. That part of the criminal code no one wants to change. We are simply talking about Title V, Section 15, which has two parts now. One is the part that we just discussed, Representative Reeves and I, and have a difference of opinion on. I do believe that for those of you who favor that concept, you would be better off amending that law to clarify the definitions and perhaps including professional associations, if that is what you wish to do.

There is a second portion of the existing law, and that is that current employees, once they leave state employee for one year, could not practice in an area before the state over which they had a responsibility. That portion of the existing Title V, Section 15, is kept in the majority report amendment. There are some other concepts that I am going to have to go through with you, and I hope I am not losing you. I am really concerned about it.

One is, I mentioned that nothing in the statutes basically focuses on preventing a conflict of interest for a current employee as far as financial conflict of interest. We do have some common law in that regard, and someone, through the attorney general, could, perhaps, try and get an injunction against someone participating in some activity in which they had a financial conflict of interest. But, to my knowledge, and I asked the Attorney General's Office, this has never happened and it would be just an injunction to cease whatever activities were going on at that time.

The majority committee amendment calls for the statutes prohibiting a conflict of interest and calls for a thousand dollar civil fine. I call that strengthening the law, the conflict of interest law.

The other basic issue in the committee amendment, the majority amendment, is that we would be calling for all the constitutional officers and the auditor and the major policymakers of this state, those that are confirmed by the legislature, so that means full-time, major policymakers and our part-time major policymakers like the Board of Environmental Protection members, Maine Guarantee Authority members and so on, that they have a financial disclosure identical to our present legislative financial disclosure in which they would have to list their sources of income. Now, I favor this for several reasons. One is, I think that these major policymakers, there is a special public trust since they will be making the decisions which affect so many people. And, secondly, it allows us, perhaps for the first time, to enforce a conflict of interest law in the way that the common law, weaker conflict of interest law, has not been enforced because, of course, you would have access to what the financial sources of income are for those major policymakers—so that is it.

This particular bill, with some changes, was the result of a Joint Select Committee on Government Ethics. We have had a number of conflict of interest measures before the legislature over the years and it is always a very difficult area to deal with because there is a lot of per-

sonal opinion involved. A lot of people think, probably all of us think that we have the right idea on just what is conflict of interest, just how far we should go to protect that public trust. So it is difficult to come to an agreement, but I do think that the measure before you today is a reasonable, rational way to protect the public interest to assure people—here in Maine it is, of course, easier to assure them than elsewhere because of our long history of integrity, but to assure people that there are laws that will protect them from public officials basically having conflicts of interest.

I sincerely hope that you do go along with the majority report, and I hope I have been able to explain it well enough to you.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It has become fashionable in recent years to, what I feel, throw a little bit of stardust in the eyes of the public and try and convince them that we in public life are living up to certain standards by forcing us to adhere to something called disclosure. To me, disclosure which looks like and feels like, even smells and tastes like reform is not really a reform in government life. As far as I am concerned, it has really done nothing to lessen the power of money and special interests in our public activities. At best, what has helped one politician find a chink in another's armor, such as what happened in Ohio in a primary race between Senator Glenn and now Senator Metzenbaum. At worst, it has set up a whole new class of citizens, in a judicial sense, and that is us, those of us in public life who are now presumed guilty until we prove otherwise by baring our finances or sources of income.

Be that as it may, our form of disclosure here in the Maine Legislature is pretty mild, it is not even enough to whet the appetites of the press who, because we don't have to mention any figures, have no interest in delving into our reports and thus pandering to that curiosity in people about their neighbors that helps sell expose' magazines.

In this bill, rather in the committee amendment, that same form of disclosure has been extended to almost every type of employee in state government, even those who are on part-time boards and, as I read the committee amendment, it could even include those people who are receiving per diem for serving on such boards as the State Board of Education.

But what I don't like here in this particular bill is that in so doing, in so exchanging this form of disclosure, they have also removed one very effective barrier to conflict of interest that now exists in the present law, and that is the now famous 'former partners clause.' It does, as it exists in the law now, prevent former partners from taking advantage of one of their business associate's new position in state government. This has been very neatly and surgically removed. The gentleman from Waterville has given her reasons for doing it and she has tried a new approach in the committee amendment. It is interesting that a number of us went down yesterday to talk to the attorney general to see if he could draw up something similar to what is in this committee amendment. He said it really would be quite impossible and place an executive employee in an impossible situation where he might now be able to fulfill his mandate under the law.

So, for that reason, I hope you will turn down this bill, and I urge the defeat of the "ought to pass" report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Kittery, Mr. Lancaster.

Mr. LANCASTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few comments in regard to this bill and the committee amendment. It strikes out a very important section in the present law, that section that deals with former partners of execu-

tive employees. Now is not the time to water down our conflict of interest laws.

It is a well-known fact that many people in this great nation of ours have lost faith and trust in our political leaders and that, ladies and gentlemen, reflects right down to our local level.

A similar bill was submitted at the regular session and was given a "Leave to Withdraw" Now we have another—Why?

If we are going to revise our conflict of interest laws, let's strengthen them and include the governor and others that are now exempt.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Men and Women of the House: I wish to put a few simple statements onto the argument. I would like to answer Mr. Lancaster's charge that a bill was put into the last session and then given "Leave to Withdraw". It was given a leave to withdraw, but it was given leave to withdraw because we wanted to put it into a study committee. We put it into a committee that was made up of members of both the State Government Committee and the Judiciary Committee and we worked hard on it.

We did take out the partner's clause. The reason we took out the partner's clause is because the partner's clause penalizes the wrong person. The clause penalizes the partners of a person who chooses to take a position in government. It gives no penalty upon the person himself. It seems to me totally unfair to say to a group of people, who may or may not have been good friends of their former partner, for a year you have lost your opportunity to pursue your business the way you have been doing before.

The State of Maine is not a large state, it is geographic but it is not large particularly in legal talent. It is too small. Our pool of trained lawyers, for example, is too small to take the chance of cutting off their opportunity to serve the state by saying, if you take a position with the state in any kind of policymaking position, your partners may not do anything with the state for a year. I think we ought to show a little more trust, I think we ought to penalize the people, or at least make them say where they get their money when they take a position with the state, but we should not bar the rest of their partners for a year from performing before the state.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: When we consider conflict of interest, we have to consider not only actual conflict or advantage but also the appearance of advantage, and I think it is arguable that a former partner of anyone in the position of influence has an implied advantage in almost any direction that you can think of, because it is a fact of life that anyone in a position of importance is really favored by his co-workers in that they would like to do something for him if they can. So the appearance of advantage is a very important thing in the existing law, and I would hope that you do not vote to accept the majority report and repeal this area.

There is another aspect of this new amendment which I think would cause great difficulty for people in important positions, and that is the fact that they might not be in a position to do their job if they found that their family or partners might profit from their decision over a large area. There are some of these jobs in which nobody else is in the position to do it from them; therefore, they would be disqualified from doing the job they were appointed or elected to do.

I don't want to belabor this point too long, but I hope that you will rely on the existing law for the present, and if it is possible to amend it so

it will take care of these problems in the future, then perhaps we can act on it.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I think I want to make it clear that, as I understand this bill, Representative Rolde, it does not apply to every employee in state government. The reporting, as I understand it, applies only to the policymaking officials are nominated by the governor come before the legislature committees to be confirmed. These are the policymakers of the executive branch of government.

I guess we here in the legislature consider ourselves the head policymakers, but we do realize that heads of departments do have important funneling into the policymaking of the state and to the governor.

Representative Rolde has mentioned the innocuousness of the statement of sources of income that we have to fill out, and the majority feeling was that this would be a simple and innocuous task for the policymakers of state government.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: I served on the Ethics Commission this past summer that developed this bill and two companion measures. As you know, if you have served on that kind of commission, you typically work by consensus unless you have a very strong minority feeling that you want to express in the minority report. The strong consensus of that commission was to eliminate the conflict of interest for partners in this section of the law and I went along with that consensus because I thought the two companion measures were enough of a trade-off to make it an attractive package for me.

We had proposed that the disclosure provisions of this law be applied to the judiciary as well. Strangely enough, the judiciary objected to that and that bill has been withdrawn; I was very disappointed in that action. Since that bill is no longer before us, to me one of the attractive parts of this package is now missing and I would join those who see that this law is not enough of an improvement to justify passage of it, and I hope you will vote against the majority report.

The SPEAKER Pro Tem: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Rolde of York requested a roll call vote.

The SPEAKER Pro Tem: 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 Pro Tem: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, I would just like to speak to Representative Hughes' suggestion that we should have included the judiciary in this conflict of interest law. We did, indeed, consider including them; however, we did it at the last minute and it did not seem fair to the majority of our committee to include a group of people who had no inkling that we were even considering them at all to suddenly include them into a disclosure law. We felt that this should go to the Judiciary Committee, that it should have some time for the judges to consider disclosure, and it should be done in a timely and seemly fashion. We are not against judicial

disclosure but we felt that it was done hastily. That is why we withdrew it.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: While we are on the concept of conflict of interest, and the judicial bill was part of the package that was offered, I would like to point out that a couple of us did favor that in the committee, but Common Cause from the other side was criticizing the bill as being so weak, something which I found rather interesting since Common Cause had never even suggested proposing anything in the area of the judiciary, and I think with the two sides having so much opposition from one side and the other, that is why so few members of the committee were interested in pursuing that.

Getting back to the executive conflict of interest bill before you, I believe we have a strong bill being recommended. I pointed out during the early debate the problems associated with trying to make a criminal out of someone who had no part in the decision that that partner would be leaving and assuming a state position such as attorney general, and I know one close friend of mine here in the House suggested that perhaps that is even unconstitutional to make such a person a criminal.

For those of you who do favor that concept, certainly I would hope that you would not go with the "ought to pass" motion and keep that law as it is on the books. We did give extra time to members of the committee who expressed an interest in that particular part of the law, hoping they could develop some improvement in that law, and they chose not to offer anything else in its stead.

Once again, professional associations, when lawyers incorporate, they do not come under this. That is the new concept that lawyers are abiding by, so you eliminate them.

It is interesting, it says "former partner." Let's say there was a lawyer who became commissioner of a department. Not all of our lawyers are in the Attorney General's Office. Perhaps that lawyer could retain his partnership, and remember, the criminal laws are strictly construed—the courts abide by very strict definitions when we are talking about criminal liability, so you might even have a current partner being able to come and practice as long as there wasn't a financial conflict of interest which would come under the common law and yet you would make a criminal out of the former partner.

In addition, the executive employee, it is not defined, so we do not know if an attorney general comes under this. There are many, many problems with the existing law, and if you like the concept, I would hope that perhaps you would go with the majority report, offer your amendments then, at that point, instead of going with the "ought not to pass" report.

There are new concepts, new, stronger disclosure laws. Some people find disclosure a weak sort of thing but, remember, we are just asking those major policymakers to disclose their sources of income, those people who are confirmed, our major policymakers, particularly some of those part-time major policymakers might be more likely to have conflicts of interest. Your Maine Guarantee Authority members, your BEP and so on. I think it would be helpful particular to have their signed statement on record on what their sources of income are so that you can enforce a new law which would prohibit conflicts of interest. That is a much stronger law than the common law, because for the first time, you would be charging people a thousand dollar fine, not just serving an injunction to stop whatever activity they were doing which, as I mentioned earlier, never occurred, to my knowledge.

I do think we are offering a much stronger conflict of interest law in the area of the execu-

tive branch, and I hope that you go with the majority "ought to pass" report.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker and Members of the House: To make three very brief points about this bill—it is a lawyer's bill, it is to make easier access for lawyers in law firms to these high state offices. It may place such an undue burden on the executive employee that he has to disqualify himself time after time after time from doing his job and representing the state if his partners are in conflict, and the disclosure provisions are just so much meaningless paperwork. There is even a fiscal note on this bill of \$6,000 in extra paper for the forms they would have to fill out and the public has very little access to this kind of disclosure.

I urge voting against the "ought to pass" report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker and Members of the House: I had not really intended to enter into this debate, but the gentlelady from Pittston has just raised an argument there. If it is a lawyer's bill, it is for the benefit of the State of Maine in the sense that under the present law you are precluding the more eminent lawyers in a state from serving in public office. If you want to limit these possessions to the sole practitioners, and I happen to have no law partners myself, I think that would be great. In other words, I would not be in competition with Charlie Cragin, I would not be in competition with Jim Tierney. I could be eligible for these positions of high trust and those gentlemen would not. Think about it.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Biddeford, Mr. D. Dutremble.

Mr. D. DUTREMBLE: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting yes; if I were voting, I would be voting no.

ROLL CALL

YEA — Aloupis, Benoit, Birt, Bordeaux, Boudreau, Bowden, Brannigan, Brodeur, Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Damren, Davis, Dellert, Drinkwater, Fenlason, Gavett, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Kany, LaPlante, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Masterman, Masterton, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Payne, Peltier, Post, Rollins, Roope, Sewall, Simon, Small, Soulas, Sprowl, Stetson, Stover, Strout, Tarbell, Theriault, Torrey, Tozier, Vose.

NAY — Bachrach, Baker, Barry, Beaulieu, Berube, Blodgett, Brenerman, Brown, A.; Call, Carroll, Connolly, Cox, Cunningham, Curtis, Davies, Diamond, Doukas, Dow, Dudley, Dutremble, L.; Fillmore, Fowlie, Garsoe, Gillis, Gowen, Hughes, Jacques, P.; Joyce, Kiesman, Lancaster, Lizotte, Mahany, Martin, A.; Matthews, McHenry, McKean, McMahon, McSweeney, Michael, Paul, Pearson, Prescott, Reeves, P.; Rolde, Sherburne, Studley, Tuttle, Twitchell, Vincent, Violette, Wentworth, Wood, Wyman.

ABSENT — Austin, Berry, Dexter, Elias, Hanson, Kane, Kelleher, Laffin, Leonard, Maxwell, McPherson, Norris, Peterson, Reeves, J.; Silsby, Smith, Tierney, Whittemore, The Speaker.

PAIRED — Dutremble, D.-Jalbert.

Yes, 77; No, 53; Absent, 19; Paired 2.

The SPEAKER Pro Tem: Seventy-seven having voted in the affirmative and fifty-three in the negative, with nineteen being absent and two paired, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-817) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move that we reconsider and I hope you all vote against me.

Whereupon, Mrs. Kany of Waterville withdrew her motion to reconsider.

The following items were taken up out of order by unanimous consent:

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing,

Sherrye Johnson, of East Brunswick, Maine's 1980 Junior Rodeo Queen; (H. P. 1897) by Mr. Mahany of Easton. (Cosponsor: Senator Hichens of York)

Rhonda Ricker, of Lisbon, Maine's 1980 Rodeo Queen; (H. P. 1898) by Mr. Mahany of Easton. (Cosponsor: Senator Hichens of York)

Christine Kent, of Gorham, Maine's 1980 Grange Agricultural Queen; (H. P. 1899) by Mr. Mahany of Easton. (Cosponsor: Senator Hichens of York)

Cindy Williams, of Pittsfield, Maine's 1980 Egg Princess; (H. P. 1900) by Mr. Mahany of Easton. (Cosponsor: Senator Hichens of York)

Razelle Smedberg, of South Paris, Maine's 1980 Farm Bureau Queen; (H. P. 1901) by Mr. Mahany of Easton. (Cosponsor: Senator Hichens of York)

Judith Black, of Belfast, Maine's 1980 Broiler Queen; (H. P. 1902) by Mr. Mahany of Easton. (Cosponsor: Senator Hichens of York)

Carrie Jo Lothrop, of Ashland, Maine's 1980 Potato Blossom Queen; (H. P. 1903) by Mr. Mahany of Easton. (Cosponsor: Senator Hichens of York)

Natalie Slefinger, of Rockland, Maine's 1980 Blueberry Queen; (H. P. 1904) by Mr. Mahany of Easton. (Cosponsor: Senator Hichens of York)

Mrs. Adeline Merritt, a resident of the Williams Health Care Facility in Augusta, who celebrated her 103rd birthday on February 5, 1980; (S. P. 776)

The Gorham High School Girls' Basketball Team, 1979-80 Western Maine Class B champions and champions for the 3rd consecutive year; (S. P. 777)

The Girls' Basketball Team, of Gorham High School, State Class B Champions for 1979-80, their third consecutive State Title, (H. P. 1905) by Ms. Brown of Gorham. (Cosponsors: Mrs. Gowen of Standish and Senator Usher of Cumberland)

The Orders were read and passed and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

The SPEAKER Pro Tem: The Chair is pleased to announce that today is Agriculture Day at the State House, the day that all of us hang around the rotunda and add on two or three inches to our waistslines. Also, we are honored to have with us today various queens through the State.

Thereupon, Razelle Smedberg, Maine's Farm Bureau Queen, was escorted to the rostrum by Mr. Twitchell of Norway. (Applause)

Natalie Slefinger of Rockland, Maine's Blueberry Queen, was escorted to the rostrum by Mr. Fowlie of Rockland. (Applause)

Judith Black, Maine's Broiler Queen, was escorted to the rostrum by Mr. Drinkwater of Belfast. (Applause)

Cindy Williams, Maine's Egg Princess, was

escorted to the rostrum by Mr. Wyman of Pittsfield. (Applause)

Christine Kent, Maine's Grange Agricultural Queen, was escorted to the rostrum by the Assistant Sergeant-at-Arms David Michaud. (Applause)

Sherrye Johnson, Maine's Junior Rodeo Queen, was escorted to the rostrum by Mr. Stover of Bath. (Applause)

Carrie Jo Lothrop, Maine's Potato Blossom Queen, was escorted to the rostrum by the Sergeant-at-Arms, Steve Levey. (Applause)

Rhonda Ricker, Maine's Rodeo Queen, was escorted to the rostrum by Mr. LaPlante of Sabattus. (Applause)

The SPEAKER Pro Tem: I will start off with the Farm Bureau Queen, Razelle Smedberg.

Miss SMEDBERG: Thank you for the opportunity to be here today. I am pleased to be representing the Farm Bureau.

As Farm Bureau Queen, I have had the pleasure of going to Phoenix and being represented in the National Farm Bureau Convention.

The Farm Bureau organization is the largest farm organization in the United States. It helps the farmers by giving them a voice in the government. The Farm Bureau also helps by saving money by selling the commodities at substantial savings and the Farm Bureau also understands the small margin of profit that most farmers work on. The Farm Bureau beliefs are based on basic moral concepts, individual freedom and opportunity gains.

I would like to thank you for letting me be presented here today and I hope you all have an enjoyable day. (Applause)

The SPEAKER Pro Tem: Now we will call on the Blueberry Queen, Natalie Slefinger.

Miss SLEFINGER: Hi! I represent blueberries. I started to represent blueberries back in August when I was chosen Blueberry Queen at the Union Fair. I have travelled to Springfield, Massachusetts, to represent Maine at the Eastern States Exposition and answered a lot of questions there about maybe some pretty insignificant things that people wanted to know. I also do a lot of blueberry business. Most of my friends request blueberry pies and muffins whenever they see me; hence, I am always at the supermarket buying frozen blueberries or whatever. (Applause)

The SPEAKER Pro Tem: Maine's Broiler Queen, Judith Black.

Miss BLACK: Good morning. I would just like to say that I represent the poultry industry of Maine and the Maine Broiler Festival, which is held in Belfast the third week of July. This upcoming festival will be the 34th and it will include activities such as a parade, senior citizens' day, children's day and various amusements and rides. Also, there will be a very large chicken barbecue. Some of you who read the papers might know that we are in kind of a bind at the moment, but I assure you, there will be plenty of chicken for everyone.

It is an honor to be here. (Applause)

The SPEAKER Pro Tem: Maine's Egg Princess, Cindy Williams.

Miss WILLIAMS: Hello! I am honored to be here today. I represent the egg industry. I was crowned the last week of July at the Central Maine Egg Festival, which is a small fair in Pittsfield. If you love chicken frying contests and the world's largest frying pan and breakfast of bacon and eggs, then it would be a perfect time, if you have a vacation the last week of July, we would love for you to come.

I am very honored to be here representing a very important sector of Maine's economy, because eggs are very important. (Applause)

The SPEAKER Pro Tem: The Grange Agricultural Queen, Christine Kent.

Miss KENT: It gives me great pleasure to be introduced here today. I am proud to be rep-

resenting the grange for the State of Maine.

The Grange supports agricultural programs. Since I have been representing the grange, I have been attending fairs and other agricultural events. I enjoy attending these events, meeting people and hearing their concerns.

Agriculture is necessary for us to survive. People should become more aware of the farmers' concerns.

Thank you very much for this opportunity to be here today. (Applause)

The SPEAKER Pro Tem: The Junior Rodeo Queen, Sherrye Johnson.

Miss JOHNSON: Ladies and Gentlemen, good morning. As Junior Rodeo Queen of 1980, it gives me great pleasure to address this legislature. My name is Sherrye Johnson, I am 16 years old and reside in the Brunswick countryside with my mother, father and brother and an assortment of large pets and animals. I am a student at Brunswick High School where I am a member of the basketball and swim teams and an honor student. My subjects are college preparatory for I am college minded. I plan to continue my education in the field of veterinary medicine, with a specialty in equine sciences. I am a member of the Maine Horse Association, the Maine Trail Riders, the American Quarterhorse Association and the Maine Junior Quarterhorse Association, of which I am current president. I have been a horse runner for seven years. In that time, I have learned that any accomplishments made have to be earned. Earning is responsibility, dependability, determination and exposure.

In July of 1979, the Miss Rodeo Maine Pageant offered its first junior competition. I practiced my riding abilities, I examined my knowledge of horses and learned every rodeo term. I learned how to walk, sit and stand properly, how to remove my hat and gloves properly; I learned everything proper. I learned how to properly give a good impression of myself.

You see, I was born in Maine and I am very proud of it. I want to represent my state. I am the first Junior Miss Rodeo Maine and with this title comes the responsibility of promoting rodeo here and in surrounding states, answering many, many questions about Maine, rodeo and about myself, creating an interest in horses, fostering their interests whenever possible, and to cause an awakening in both youth and adults that rodeo is the epitome of good, clean, competitive enjoyment.

Through me, many children, young adults, people of all ages, including our senior citizens, have the opportunity to ask about America's number one sport—rodeo.

As a teenager, I represent the youth of Maine, the coming knowledgeable youth who will, some day, be adults and take their places as responsible individuals in our society.

I am thoroughly enjoying my reign and invite you to enjoy rodeo in Maine where the air is crisp and clean, the people are friendly and fun is unsurpassed. Thank you. (Applause)

The SPEAKER Pro Tem: The Potato Blossom Queen, Carrie Jo Lothrop.

Miss LOTHROP: Good morning, ladies and gentlemen and members of the Legislature. My name is Carrie Jo Lothrop and I represent the Maine potatoes and I am very pleased to be here this morning. I thank you for inviting me to participate in your Agricultural Day.

As the Maine Potato Queen, I have participated in various activities. I have done everything from working at food and trade shows, passing out french fries, to being in grocery stores talking with the people there and passing out potato recipes.

As an Agricultural Queen, it is an exciting experience, it is a once-in-a-lifetime thing. It is also a learning experience. You meet new people all the time and you also learn more about your state and more about the commodi-

ties that you represent.

In closing, I would just like to say that I hope and believe, as the Maine Potato Queen, that the Maine potato will once again regain its superior reputation as being the finest potato anywhere and the problems the Potato Commission is now faced with will soon be solved. Thank you. (Applause)

The SPEAKER Pro Tem: The Rodeo Queen, Rhonda Ricker.

Miss RICKER: Good morning, ladies and gentlemen. I am Rhonda Ricker from Lisbon. I am currently a sophomore at the University of Maine where I am majoring in agricultural and resource economics.

While growing up on our family dairy farm, I became interested in horses, joining my mother in equestrian competition around the State. Because of this background, I entered the Miss Rodeo Maine Pageant last summer and was fortunate to be chosen the winner. Some special events of my reign included being a hostess during Maine Day at the Big E in Springfield, Massachusetts, and participating in the Grand Entry Ride at a professional rodeo in both Raymond, New Hampshire, and the Portland Civic Center. These events were all done with the Junior Miss Rodeo Maine, Sherry Johnson.

The highlight of my reign was a trip to Oklahoma City where I entered the stiff competition for the title of Miss Rodeo America along with 45 other young ladies from the United States and Canada. For six days we were constantly supervised and judged in our poise, personality, appearance in western wear and, of course, our horsemanship and knowledge of rodeo. It was a wonderful experience, for this is known to be one of the top pageants in the country and is sponsored by many civic-minded people, individuals and officers of large, well-known corporations.

The Miss Rodeo Maine Committee is made up of members of various horse clubs, people who are interested in recognizing young riders. This year's pageant, the sixth, will be held in South Portland and Hollis this June. The event has grown into a two-day pageant and will be televised again by a local cable TV station. One of the first duties of the next queen will be to preside over a three-day rodeo coming to Augusta this August.

There are several thousand horses and many more horse people in our state, and this results in a multi-million dollar business. As Miss Rodeo Maine 1980, I am happy to be a representative of this industry and to do what I can to acquaint people with rodeo and draw this sport to our state. (Applause)

The SPEAKER Pro Tem: I was also told that the best thing about Agriculture Day is the food. After standing up here with all these fine representatives of the State of Maine, as pretty as they are, I think that is a debatable issue now. I think they all did a wonderful job with their speeches and think they all deserve a round of applause.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-818) on Bill "An Act to Adopt the Fair Debt Collection Practices Act." (H. P. 1755) (L. D. 1879)

Reports were signed by the following members:

Ms. CLARK of Cumberland
Messrs. CHAPMAN of Sagadahoc
AULT of Kennebec

— of the Senate.

Messrs. HOWE of South Portland
D. DUTREMBLE of Biddeford
JACKSON of Yarmouth
BRANNIGAN of Portland
GWADOSKY of Fairfield

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. WHITEMORE of Skowhegan
SPROWL of Hope
Miss ALOUPIS of Bangor
Mr. LIZOTTE of Biddeford
Miss BROWN of Bethel

— of the House.

Reports were read.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, I move the House accept the Majority "Ought to Pass" Report.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I would sincerely appreciate from our eloquent, most respected house chairman, if he would tell us why he feels we really need this bill and give us a brief explanation.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to the request from my committee colleague, the gentlewoman from Bangor.

I think one of the reasons the bill came out with a split report is that apparently some members of the committee perceived the bill as inhibiting merchants' ability to collect an overdue debt. While I don't believe that any of the minority report members would support any of the abusive or deceptive debt collection practices that this bill and a very similar federal law prohibit, I think perhaps it was sort of a reaction to the federal government generally. I don't think, even though there is a federal law that is very similar to this, that passage of this bill is merely a meaningless exercise, and I would like to give you some reasons why I think it makes sense both from the point of view of the consumer and the debt collection agencies that are to be regulated, why Maine's law should be more parallel to the federal law than it is now.

Presently, Maine law does provide for the licensing of debt collection agencies, and I would like to point out that the bill regulates debt collection agencies—that is, those who collect the debts on behalf of others. It does not regulate creditors or merchants who are directly owed a debt or allegedly owed a debt or their attorneys but those independent persons or businesses whose business is to collect debts on behalf of others. The present law does provide for the licensing of them and regulates their relationship with creditors, but it doesn't regulate the behavior of those debt collection agencies themselves.

I think the debt collection agencies have apparently seen the wisdom in making the two laws more parallel because of their absence at the public hearing and because of contact and communication between the Bureau of Consumer Protection and people engaged in that business in the state. They apparently are passively supporting the law and, in fact, for the most part have adopted internal procedures to comply with the federal law.

Right now, we have sometimes two conflicting bureaucracies to which these business people have to respond. I think it makes sense to regularize the two laws so those business people aren't responding to two bureaucracies which have different and sometimes conflicting responsibilities.

I also think that it is not fair to consumers, when a violation of the federal law must be pursued, that the state agency that licenses these businesses must send the Maine consumer to the Boston office of the Federal Trade Commission to get any relief.

The kinds of things that this bill would prohibit as far as the behavior of debt collection agencies have pretty much gone by the boards, fortunately, but I think it is important that a state agency, any agency of this government right in Maine, be empowered to go after the violators of these prohibitive practices. The kind of thing that I am talking about are the midnight harassing phone calls, letters, letter-head stationery that I think some of you have probably seen in years gone by where a debt collection agency implied that it was acting as an agent of the government or on behalf of the government or threats of imprisonment and that sort of thing when no such threats could be carried out.

I would urge your support today for the majority report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: Those of us on the minority side are really in the minority today with the three members of the other body taking the position they have. I guess I am just hoping that the Democratic Representative from Biddeford, Mr. Lizotte, has a lot of influence with you.

Our committee chairman was asked to explain this bill and he explained that he is a very intelligent individual and I guess that is why he is chairman of the committee but generally when he explains things, it sort of goes over my head, so I will try to simplify it for you and to tell you why we have taken the minority position that we have.

We feel that it will not help the consumer. This bill came from the Consumer Protection Agency and obviously it is designed to help the consumer, and this is all well and good. But like so many of these bills that come out of that department, ultimately the consumer pays more or he really isn't helped, and I think this is exactly what this bill will do. It will tighten credit so that it will be next to impossible to obtain credit and when we go to a cash society, I don't think that helps consumers. I think the credit setup is well-intentioned and it should remain that way.

Back to an explanation of the bill in simple terms that I understand and I guess if I understand it, everyone here will understand it.

What this bill will do is, if you go to Benoit's to buy a ton of grain and at some point Benoit's feel that you can't pay for that and they want to collect and they have exhausted all their avenues of collection, they have written you daily, weekly or monthly, asked you to come and see them, asked you to pay but you don't respond, at some point, when Benoit's have exhausted all their avenues to collect, they turn that bill over to a collection agency or an attorney for collection. The chairman of the committee has already said that in some instances, and it is probably true, there is harassment or at least you, the consumer, thinks there is, that they are trying to collect a bad debt from you or trying to collect from you.

So you the consumer, would only have to, in writing, write to Benoit's and say, we want to deal directly with you. That would eliminate the attorney or the collection agency from collecting the bill. It is crazy, as I see it.

Mr. Howe referred to the federal laws that are already this way or similar to this. I can't see why two wrongs make a right. There is probably little that I can do to change the federal law, but I can at least keep us from making the same mistake that the federal government has made.

I hope you will accept the minority report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly sympathize with the view that Representative Sprowl has given you. I think if you would sum it up, in

the words of George E. Patten, it would be illegitimus, non-carborundum, and I won't decipher that. I think many of you know what his fighting saying was. We all feel that way, we don't want the federal government getting into it anymore, we don't want the state getting into it anymore, we don't want anyone telling us how we are going to run our businesses, etc.

I would point out to you, though, that this bill adds no new law. It combines the federal law on the state statutes with the state law but it doesn't add any new law. The federal law exists, the things that have been spoken of here and we don't like that, a person can write and not be dunned anymore after they have requested not to be, the hours, all these things are in the law.

Presently, if a consumer calls the Consumer Protection Department in the state and asks for information, the state tells them about the state law and it also tells them about the federal law but the two are separate; this would combine them. It wouldn't add any new law, it would merely combine the law that now exists.

I suppose you could take the view that the federal law sometimes is overlooked and the consumers in the state forget about the federal law and so they do some things that may be illegal under the federal law and possibly they don't get caught up on it because the federal law is overlooked and if we don't put this in as a part of the state law, maybe the federal law will continue to be overlooked and they will get away with breaking the law and no one will be the wiser. I don't think this is the case, it may be the case in a very few, minor Mom and Pop collection agencies but generally the big collection agencies, they know what the law is, both federal and state, they know when they are breaking it and they know what the fines are and they make a point of not breaking it.

So, I think that regardless of your frustrations here, the bill proves a benefit and should be supported and I hope you will support the majority report on it.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I must admit that this law is now a federal law and if we passed this, we would be putting the state of Maine in line with the federal, but I am very much against putting the State of Maine's stamp of approval on a piece of legislation such as this.

How far do we want to go in providing loopholes for individuals not to have to pay his debts? In fact, if we pass this bill, I think that someone next year should present a bill to fine anybody that extends credit, because we now have come to the point where a creditor is unable to collect what is rightfully his.

I could tell you, about 20 years ago, a lot of us remember over here, that if a fellow accumulated a debt and he did not meet up to his obligations, the creditor would call the employer of this fellow and tell him that this man owes him a bill and he hasn't been paid and he would like to have his pay stopped, and that was done.

Fifteen years later, from personal experience, I can tell you that I had a fellow that owed me a little bit of money and he went through bankruptcy. I was busy making a living, trying to pay my bills and working, so I overlooked it and I forgot that I had received a letter from the bankruptcy court. One day I am walking down the street and I met this man. I said to him, "gee, you got a little something in the store and I would appreciate it if you would come over and pay what you owe." He said, "What are you talking about?" I thought he was kidding, I figured the guy knew he owed me a bill and I said, "Well, you have a bill at the store and I would appreciate it very much if you would come over and take care of it." He said, "I don't owe you any money." Then I got a little upset and I said, "What do you mean, you don't owe me any money, you got the

goods, you owe me the money." He said, "I don't owe you any money, don't you ever accuse me of owing you money." I said, "What are you talking about?" He said, "look, I went through bankruptcy and all my bills are paid. If you ever accuse me of owing you money again, I will have you in court." You know something, he was right. So, we have gone a long way and I certainly hope that we would not adopt this piece of legislation here this morning. I hope that you will vote for the minority report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, Members of the House: I would like to assure my colleague from Hope that Benoit's is not in competition with the Camden Farmers Exchange for the sale of grain.

I would like to comment on a couple of other remarks made by members here today. It has been alleged that if this bill passes, credit will tighten in the State of Maine. I think there is no support for that argument, particularly in view of the fact that the federal has been on the books for some two years almost to the day.

This might be a good time, and I have sort of been looking for an excuse to read to you a small little column that isn't precisely on point, but I think it is something that I wanted to bring to your attention and it is the issue of credit and I think it has been brought up on the Business Legislation Committee on a number of occasions in regard to several bills. By the way, this is from the Newsletter that some of you get from the Credit Union Association and it quotes another article from a trade industry publication called Consumer Trends.

"Consumers are beginning to view their unused revolving creditlines as insurance against illness or loss of employment, according to a editorial in Consumer Trends. They may be planning to use credit to maintain their standard of living if their real income declines due to recession." It goes on to say how most consumers have used only 30 to 50 percent of their unused revolving credit account lines. "Some day couples will be living day to day off their remaining unused creditlines, according to an industry expert. The credit insurance concept is one reason why consumers have permitted personal rainy day savings to drop and then fall back on their credit accounts in order to maintain their standard of living, pay their routine bills."

I would just point that out as one indication of several I see, that if anything credit is becoming more and more commonplace. Last week I was called by a Maine bank over the phone who was hoping to be able to send me a credit card in the mail. Credit is becoming much easier to get all the time and some people think far too easy to get for the general condition of the economy, let alone individual debtors.

As far as writing a debt collection agency and telling them to cease communications, that a person would rather deal with the creditor, that doesn't prohibit the creditor from pursuing other legal means for collecting debts, and I can understand that a lot of people, I think, would rather deal with their merchants than with a debt collection agency, particularly in this day and age when many of the situations I think consumers get into are really the result of computer foulups and not necessarily honest debts. A merchant, in fact, may be more understanding and able to deal with that kind of a problem but, in any case, in the situation that Representative Sprowl cited where a debtor has been intransigent, has been referred to a debt collection agency and sends that letter, I suspect that a court of law is going to have to resolve that kind of a case in any event.

I would dispute Representative Lizotte's remark, as I understood it, that creditors simply cannot collect a lawful debt now there are still plenty of lawful means and nothing in this bill restricts anyone's ability to go to the

courts.

While I can appreciate Representative Lizotte's frustration of the bankruptcy law, this bill, either way, has no effect on that and, in fact, the bankruptcy laws and the concept that a certain limited number of debtor's assets are protected under the bankruptcy laws is a concept that has been in law in this state for some good many years.

Let me give you an example of the kind of prohibitive practices we are talking about. A debt collector may not harass, oppress or abuse any person. For example, a debt collector cannot use threats of violence to harm anyone or anyone's property or reputation or publish a list of consumers which says that these consumers allegedly refuse to pay their bills, except they may publish such a list to a credit bureau. They may not use obscene or profane language, they may not repeatedly use the telephone with the intent to annoy anyone; they may not telephone any person without identifying themselves as callers and they may not run advertising in the local newspaper indicating that someone allegedly owes money.

I think this is the heart of the federal law and the heart of the bill that is before you today, and if you oppose those kinds of practices, as I do, I hope you will support the bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: The gentleman prior to me said that he thought something or was his opinion—well, I want to speak more positive, having, in my lifetime, given a lot of credit and I still do give some but every time we tighten the laws here, I tighten up credit. If this law were to pass, I assure you, not only myself but any sensible businessman is going to tighten up credit even more. This hurts the consumer and there are people in my area that need credit, but if we keep passing laws of this nature, there will be nobody issuing credit. You will only give credit to people who have a gold credit card. Speaking about credit cards, I already noticed that Bank Americard and all those people who are issuing credit cards, I can prove they are not soliciting credit cards like they were because they didn't prove out as good as they thought they would.

I do hope this morning that this bill doesn't receive passage and I endorse everything that Representative Sprowl said. He took the steam out of what I wanted to tell you and saved you from having to listen to me quite so long. But I think you would be doing a wise thing for those people who have to have credit if this bill is defeated this morning. It certainly won't hurt the businessmen that much, they will just give less credit.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to speak long on this bill, I just want to go on record as being very much opposed to it.

I think most of the people who are for this bill, if they had been running a business and had been taken as much as most business people have and no way of collecting that money, they would not do anything to make it harder to collect a debt.

It has been said that this is the same law as the federal — it still makes it a little easier for a bill collector to collect without this becoming a Maine law, as far as I am concerned. Right now, there is no point in me hiring a debt collector because he can't do anything for me. I don't want to be bothered with it, I have to do it myself. There is no place I can go. I even had one in small claims court passed by the judge and I still can't collect. Everything we do is making it harder for a businessman.

I just sold a business a couple of years ago and I am so pleased to get out of business, to have all those laws we have to fight that we down here make to make it harder for a guy to

make a living.

I hope you will go along with the minority group on this.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker and Members of the House: I just want to concur with the thinking of Mr. Whittemore. I am a small businessman and it has gotten to the point now that these laws we have are making it harder for the honest people because you just can't gamble anymore. You can't take a chance because if a man does owe you money, I just don't make any attempt to try to collect anymore at all. No lawyer will touch it. They have a couple of collection agencies, I don't know how they make a living—I turned one over to them but I never got any money back from it yet and so, to my mind, to further the law we have now would be an injustice to every man who is trying to make a living in small business.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: Basically, I feel that the majority of business people do not send their accounts receivable to a bill collector unless they have totally exhausted their avenues. Many wait up to six months, keep sending bills and there isn't one merchant or one business person, realistically, who will not be willing to speak with the person who owes them money, even if that person says, well, gee, I am willing to pay \$5.00 a week or whatever so I can pay off my debt. In most instances, by the time that has gone to a collection agency, that merchant or businessman has really used up a fair amount of time. Don't forget that that person has expended his money out, he may have had to borrow his money at the bank, paying high interest rates for that merchandise which he is selling.

I don't want anybody to be harassed either and I don't think there should be midnight calls, but this says, that if that debtor wishes not to have communication with the collection agency, he shall write to the person to whom he owes money. Well, he could have done that before it ever got to the collection agency. All he had to do was come up and say, Mrs. so and so, right at this moment I cannot pay my bill but, please, let me pay \$5.00 a week and I will pay it off. I really feel that there aren't too many people out there that wouldn't accept that as payment because when you do send it to a debt collection agency, you get half if not less of that money in return if it is collected.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of points that I would like to make here. One, we are dealing with debt collectors only; (2) it is federal law, we are not adding new law, we are just bringing the federal law in the same as the state law. If you are not following the federal law now, you are breaking the law. (3) this bill that you are hearing now and the debate you are hearing now we are going to be going through again when you start seeing the bills that are coming through to take the ceilings off on credit and move them up.

This country is drawing their savings down in a way that we have never seen before. This country is going into credit in a way that you have never seen before. If the merchants are hurting and the businesses are hurting because they are giving credit, they are giving credit because they want to sell something and make a profit. That is their decision, that they are going to give credit. To a degree, they have got to become choosy on who they are going to give credit because we are building a credit bubble right now that when it bursts it is going to make one heck of a mess.

So, I want you to think about this and the collection practices—we are not changing anything, we are not adding anything, we are just bringing federal law into compliance with state law and we are dealing with debt collectors and those are the people you pay to go out and collect the debts. The practices here that have been pointed out are practices that the majority of the people here certainly would not condone and would not want used.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with what Mr. Jackson said, and in talking with the people that do debt collection in my district, they feel that harmonizing the state and federal law is a good thing. They are in that business and they want to do all the things that the small businessmen have asked for this morning but they say that given this law, the way it is federally, this gentleman, anyway, is in favor of harmonizing the two laws.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker, Ladies and Gentlemen of the House: The flag has been waved here this morning that if you vote for this bill you will be voting against the small businessman and his interests, and I would just like to say, at least from my point of view, that that is quite to the contrary, because if I was a small businessman doing business in the state with many creditors, I would be concerned that this bill would allow me to deal with one agency, the State Bureau of Consumer Protection rather than dealing with the bureaucrats and the Washington regulations. This makes it pretty clear that the State Bureau of Consumer Protection would be responsible for enforcing these laws. As a businessman, if I have a problem with somebody not paying this bill, I can go to the Bureau of Consumer Protection and ask them what my rights are under the law. I think you ought to consider that. I think it would be a step in the right direction for a small businessman because it would give them an opportunity to deal with one agency, a state agency, that is responsible and accountable to the people of Maine and I hope you vote for this bill.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I guess I would just like to say that I don't think that we are doing the small businessman any great favors, as the gentleman just previously alluded to.

The fact is that the law, as it exists, whether it be federal or state, is very cumbersome, very awkward, very difficult for a small businessman especially to work under. I am a small businessman and I hope to be bigger, and my way of being bigger is, I am not extending any more credit because I have several thousands of dollars that is still owed to me from years past and I have been unable to collect those monies. I expect that I will probably lose them and when I lose those monies the state also loses the sales tax that comes in on it and they also lose the income tax that I potentially could have made and would gladly pay the state being in a real high category, hopefully.

I understand the frustrations of the debate today, the fact that the federal government has a law that exists that pretty much overrides or overrules any state law and it does make a bit of sense to make this law in compliance or at least our existing statutes in compliance, in accordance with the federal law. However, I don't think that is absolutely necessary and I think this legislature, realizing that most of the business in Maine is small business, can kind of go on record and say to the federal government, at this point in time, we prefer our own statutes and we are going to live with them for the time being at least, if not within the courts,

in effect and spirit, we are and maybe go on record and not, for once, condone what the federal government does, whether it be right or wrong, simply because they have done it.

I think we ought to vote for the minority report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I have sponsored consumer protection bills in the past and have voted for many and worked for many on the floor of the House, but I think you ought to take a look at this bill. This is a 15 page omnibus bill we are about ready to add, if we do add this through the House and the Senate to our law books.

The problem with small businesses at this point in time in our state and country is that it is swallowed in paper work, laws, regulations, bureaucracies, agencies and not only if this bill passes are we going to be adding another 15 pages of law to our books but there is authority in this for the agencies of state government to begin promulgating additional rules and regulations which will add more red tape and entanglement.

I would just like to point out a couple of things in cursorily reading through this bill. The gentledady from Bangor pointed out that most small business people do not refer debts to be collected until after they have attempted for many many months, sometimes six months, sometimes a year, before they finally turn it over to a third party to help them out in collecting them.

This bill has other time intervals built right into it which would extend over and above the period of time that the actual small business tried to collect the debt but the debtor writes and says, I dispute this and the debtor has 30 days to do that and then after that you have another 30 days, and it is just more red tape and more entanglement.

There is a \$400 biennium license fee for debt collection agencies. Debt collection agencies have to post surety bonds with the state department and you just go through it clause by clause and I think the overall impact of the bill is, it is a substantial piece of legislation, it is an omnibus bill and I think it is something we ought to be very cautious in adopting. If there are specific problems of harassment that have reached major abusive proportions in our state, then I would like to know about it from the Business Legislation Committee. We haven't heard any of that today on the floor of the House and I wonder if they heard that the people of Maine are being abusively and oppressively harassed to such a degree that there are specific problems that we can narrowly attack and narrowly approach rather than passing an omnibus legislation like this, notwithstanding the fact that I understand it tracks the federal legislation?

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITEMORE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question from the gentleman from Bangor, Mr. Tarbell, I talked with the consumer superintendent and asked her if there were a lot of problems and asked her for some specifics and she didn't come up with any. She just said this would be on the books so she could have it to better control. So I don't think there is any big problem now.

The main thing I want to say at this time is, if there hasn't been a request for a roll call, I do so request.

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

Mr. HOWE: Mr. Speaker and Members of the House: I would like to point out, in response to the comments of Mr. Tarbell, that half the bill is present law. Title 32 contains licensing and bonding, etc., provisions that regulate that

aspect of debt collection agencies. It is all included in here but most of it, from about the bottom of Page 9 on, is presently law, so that licensing requirements and so forth are present law.

The reason there was not a whole string of horror stories brought before the committee is because the federal law, fortunately, is taking care of a lot of the medieval debt collection practices that I think you are all reasonably familiar with.

Mr. Leonard says that he hopes that we won't put the stamp of approval on the acts of the federal government, but I would also not put the stamp of approval on these kinds of prohibitive practices.

The SPEAKER Pro Tem: 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. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER Pro Tem: The pending question before the House is on the motion of the gentleman from South Portland, Mr. Howe, that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If Mr. Jalbert were here, he would be voting yes and I would be voting no.

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

Mr. MORTON: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Simon. If Mr. Simon were here, he would be voting yes and I would be voting no.

The SPEAKER Pro Tem: The pending question before the House is on the motion of the gentleman from South Portland, Mr. Howe, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Brannigan, Brennerman, Brodeur, Brown, K.C.; Chonko, Cloutier, Connolly, Cox, Davies, Diamond, Dutremble, D.; Gowen, Gwadosky, Hobbins, Howe, Jackson, Kane, Kany, Locke, Masterton, McHenry, McMahon, Michael, Mitchell, Nadeau, Nelson, M.; Paul, Reeves, P.; Tierney, Tuttle, Vincent, Violette, Wood.

NAY — Aloupis, Austin, Barry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Dudley, Dutremble, L.; Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gray, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jacques, E.; Jacques P.; Joyce, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, MacEachern, Marshall, Martin, A.; Masterman, Matthews, McKean, McPherson, McSweeney, Nelson, A.; Norris, Paradis, E.; Paradis, P.; Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tozier, Twitchell, Vose, Wentworth, Whittemore.

ABSENT — Berry, Birt, Elias, Garsoe, Hanson, Hughes, Kelleher, Laffin, Mahany, Maxwell, Nelson, N.; Torrey, Wyman, The Speaker.

PAIRED — Jalbert-Sewall; Morton-Simon. Yes, 37; No, 96; Absent, 14; Paired, 4.

The SPEAKER Pro Tem: Thirty-seven having voted in the affirmative and ninety-six

in the negative, with fourteen being absent and four paired, the motion does not prevail.

Thereupon, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Consent Calendar

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 1821) (L. D. 1949) Bill "An Act to Amend the Kennebunk, Kennebunkport and Wells Water District Charter to Include the Town of Ogunquit" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-824)

On the objection of Mrs. Wentworth of Wells, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-824) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1798) (L. D. 1920) Bill "An Act to Constitute and Validate the Establishment of the Monson Utilities District" (Emergency)—Committee on Public Utilities reporting "Ought to Pass"

On the objection of Mr. Davies of Orono, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Consent Calendar

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 1747) (L. D. 1863) Bill "An Act Relating to Group Self-insurers under the Workers' Compensation Act" (C. "A" H-815)

On the objection of Mr. Gwadosky of Fairfield, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-815) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1635) (L. D. 1744) Bill "An Act to Provide Supplemental Funds to the Judicial Department" (C. "A" H-816)

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

Passed to be Engrossed

Bill "An Act to Provide Broad Public Representation on the Board of Pesticides Control and to Improve the Level of Information Available to it and the Public" (H. P. 1891) (L. D. 1966)

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

Mr. Wood of Sanford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-829) was read by the Clerk.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have the gentleman from Sanford elucidate on his amendment.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: This amendment adds one member, a scientist from the University of Maine, and it drops the three public members to two public members and also clarifies the

language in terms of the practical and chemical use in the field of forest management and agriculture.

Thereupon, House Amendment "A" was adopted. The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

Amended Bills

Bill "An Act to Adjust the Administration of the Abandoned Property Law" (S. P. 735) (L. D. 1914) (C. "A" S-424)

Bill "An Act to Appropriate Money for the Maine Energy Resources Development Fund and to Permit the use of Those Funds for Demonstration Projects" (H. P. 1713) (L. D. 1819) (C. "A" H-811)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed as amended and sent up for concurrence.

Bill "An Act to Provide for County Self-government" (H. P. 831) (L. D. 1038) (C. "B" H-805)

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

On motion of Mr. LaPlante of Sabattus, the House reconsidered its action whereby Committee Amendment "B" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "B" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-827) was read by the Clerk and adopted.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain House Amendment "A". It is a technical change to it. The statutes right now read that two commissioners constitute a quorum and there is a possibility that maybe some counties will go to five or seven commissioners; therefore, we changed it. We had to change it for the majority of the commissioners to constitute a quorum and the only reason this was left out of the original bill, the legislative assistant dropped his paper and didn't pick it up until Committee Amendment "B" was printed. The section 26 budget procedures—we felt it should be necessary to specify that at least one public hearing will be heard on the budget when the commissioners do present the budget. Also we talked with the auditors and we felt that the budget should be all in the same format, standardized, so that if somebody moves from one county to the other and would like to get involved in the budget procedures and everything, they would understand the budget from one county to the other. So, these are the basic changes.

Thereupon, Committee Amendment "B" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" to Committee Amendment "B" and sent up for concurrence.

Finally Passed

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Bring into Conformance the Year in which the House and Senate shall be Apportioned. (H. P. 1720) (L. D. 1824)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 120 voted in favor of same and none against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act Amending the Requirement of Announcing Political Disclaimers (H. P. 1647) (L. D. 1757) (C. "A" H-800)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of same and none against, and accordingly the Bill was Passed to be Enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to the Bonding of Voting Device Vendors (S. P. 694) (L. D. 1816) (C. "A" S-423)

An Act to Allow Counties to Participate in the Solid Waste Management Subsidy (H. P. 1735) (L. D. 1853) (H. "A" H-801)

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 following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

Bill, "An Act to Revise and Strengthen the Bee Industry Law" (H. P. 1745) (L. D. 1861)

Tabled—March 3, 1980 (Till Later Today) by Mr. Torrey of Poland.

Pending—Adoption of Committee Amendment "A" (H-810)

Mr. Torrey of Poland offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-826) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief explanation. This House Amendment deletes a section from the Committee Amendment to the agricultural bill. L. D. 1764, the sunset audit bill, also has a provision in there in regard to registering and licensing imported bees, so there was a conflict in the statements and the intent and it was felt that the amendment in the sunset bill was the more desirable and that is being left in that bill and we are asking to strike that paragraph from this amendment.

Thereupon, the Bill was assigned for second reading tomorrow.

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

Bill, "An Act Relating to the Effective Date of Administrative Changes in the Employment Security Law" (Emergency) (H. P. 1762) (L. D. 1888)

(House Reconsidered Passage to be Engrossed on February 28)

Tabled—February 29, 1980 by Mr. Wyman of Pittsfield.

Pending—Adoption of House Amendment "A" (H-806)

On motion of Mr. Carter of Winslow, tabled pending adoption of House Amendment "A" and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Pearson of Old Town, adjourned until nine thirty o'clock tomorrow morning.