

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, April 9, 1981

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

Prayer by Father Louis Berube of St. Philip's Church, Auburn.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

Augusta

April 7, 1981

The Honorable Edwin H. Pert

Clerk of the House

110th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby "Resolve, Authorizing Jeanette Hodgdon, Administratrix of the Estate of Kenneth R. Hodgdon, to Maintain a Civil Action Against the State of Maine" (S. P. 227) (L. D. 614), Failed of Passage to be Engrossed.

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees

Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Amending the Protection of Underground Facilities Statute" (S. P. 178) (L. D. 456)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Reduce the Costs to Counties of Supreme Judicial and Superior Courts" (S. P. 379) (L. D. 1137)

Came from the Senate with the Reports read and accepted.

In the House the Reports were read and accepted in concurrence.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-93) on Bill "An Act to Increase the Fees of the Bureau of Insurance" (S. P. 210) (L. D. 575)

Report was signed by the following members:

Senators:

SUTTON of Oxford

CLARK of Cumberland

SEWALL of Lincoln

— of the Senate.

Representatives:

RACINE of Biddeford

JACKSON of Yarmouth

BRANNIGAN of Portland

FITZGERALD of Waterville

POULIOT of Lewiston

PERKINS of Brooksville

TELOW of Lewiston

GWADOSKY of Fairfield

MARTIN of Van Buren

— of the House.

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

Report was signed by the following member:

Representative:

GAVETT of Orono

— of the House.

From the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-93) and Senate Amendment "B" (S-106)

In the House: Reports were read.

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

Mr. BRANNIGAN: Mr. Speaker, Men and

Women of the House: I move that the Majority "Ought to Pass" Report be accepted in concurrence.

This bill deals with the Bureau of Insurance, which is part of the Department of Business Regulation, over which the Committee on Business Regulation has certain powers and in a way we are kind of the Appropriations Committee for these dedicated revenues which are used by the various bureaus and the various boards that make up the Department of Business Regulation. We look at that with the same kind of scrutiny and the same kind of care as, I am sure, the Appropriations Committee does on other types of money issues.

We looked at this very carefully, this increase in fees by the Bureau of Insurance. The Bureau of Insurance has a great responsibility in overseeing thirty or forty thousand insurance agents, hundreds of insurance companies, both the in-state, the so-called domestic companies and those out-of-state foreign companies. They have to make many decisions. They have to deal with very complex issues, so it is very important to both state government, to consumers and especially to the insurance industry itself that they have a good regulatory agency.

This agency has not asked for any increases in these fees in 11 years; therefore, the increases are, in some cases, doubled and in some cases not quite so steep an increase. But given that it has been 11 years, that doesn't seem to be a severe increase.

The reason they have been able to go for 11 years, have not felt the necessity to ask this legislature for an increase over this time, is mainly because they have not been able to employ the people they needed to employ. Those of you who were here two years ago remember some of the discussions we had on allowing them to up their scales of pay so that they could attract people. They have a right, by law, to employ 31 or 32 people. Up until a few years ago, they did get up as high as employing 26 people, but over the years the number of people they had declined way down to 16 because they couldn't attract the caliber and trained people that they needed, the support people that they needed around them, actuaries, lawyers, and so forth. So, they gained a surplus or a carryover in the fees, and that is what they have been living on during these inflationary times, the times of increases in our costs of employing people.

But last year and the year before we loosened things up for them and they have fortunately been able to obtain good people, so their work force has grown from 16 to 26.

Now, when they were at 16, everyone admits they were doing a terrible job; they admit it. They were about ready to recommend that they close up shop. The insurance industry admitted it. This was costly to the insurance industry, costly to the people they sell to, because they weren't getting good response, they weren't getting good regulation. Now they have built up to a point where they are getting good regulation, but they cannot continue without this increase.

So, ladies and gentlemen, I urge you to support this "ought to pass" by a 12 to 1 majority report.

The SPEAKER: The Chair recognizes the gentleman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you won't accept the majority "ought to pass" report. What this bill does is raise an additional \$505,000. The budget for the Bureau of Insurance, back in 1976, which is five years ago, was \$293,000. This year, the proposed budget is \$744,000. The bureau's budget has increased over a five year span of more than double. I think at a time when we are asking different departments to keep their spending down and even to make cutbacks, I don't think we should be giving the Bureau of Insurance another half

million dollars when their proposed budget this year is only \$744,000.

In 1980, the bureau added five people; this year, they have added four additional people. The insurance companies are paying these increased fees, but eventually we, the consumers, will be paying the extra half million dollars.

I would hope that you won't support the "ought to pass" report, and at this time I would like to move that this bill and all its accompanying papers be indefinitely postponed and I would ask for a division.

The SPEAKER: The gentleman from Orono, Miss Gavett, has moved that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you won't indefinitely postpone this. I would point out to you that it is supported totally by the insurance industry, by the agents, by all the people who are involved in insurance. They want to see our insurance department in this state as well staffed and as efficient as possible so that it can properly handle the job of reviewing the policies, reviewing the rate increases and all the other things that it does.

The consumer is directly benefitted by this. The companies and the agents and the insurance industry want to see a strong insurance department in the state. They are supporting the fee increase on it. There have been some new people added, and I would point out to you that one of the areas that we saw this in the last legislature was when we fought very, very hard to get an actuary into the department so that we in this state could actually look into and know where the rates are coming from, what is in back of them, how they are figured. Up until that point, we had to always send out of state to get this information and pay a very high price. We are very fortunate that we have two actuaries now in the department so these things can be handled quickly, instead of having to put it off and wait often three or four weeks or more until we could buy time of an out-of-state actuary to do that work.

The committee has reviewed this, and we feel that the rate increase is warranted. Please don't indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: A few weeks ago, the Health and Institutions Committee brought a bill before you concerning licensing and inspecting of restaurants. We took that department of 10 sanitarians and reduced it to 6. This bill here is going to reverse our direction of reducing the cost of state government. We were then talking \$40,000; we are now talking a half a million dollars, the gentlelady tells us. I think we should seriously consider whether or not we want to expand state government to this extent.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: A little history of this bureau might be in order at this time.

Some years ago when the four super departments were formed, it was thought by many that the current superintendent of insurance at that time might be the head of one of these departments. In fact, they thought he might well be head of the Business Regulation Department. That did not occur, and for many years, in my estimation, and being close to the insurance business, this particular bureau has been treated somewhat as an orphan child. I think that is one reason we have seen the decline in personnel and the decline in services, although the people down there, from my point of view, have worked diligently to keep services at the level they should be.

I do realize that we want to keep the cost of state government down, but I do believe that in this case the bureau has been a neglected child. I would hope that we would not vote to indefinitely postpone.

The SPEAKERS: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, the \$500,000 is a two-year figure, so let's be careful about what we are saying about what kind of money we are talking about. As you know, we have tried to move most licenses and fees to two years to reduce the cost over the years of billing and so forth, costs for those who have to pay them. So, this is not \$500,000 but \$250,000.

May I remind you, they have been living in an artificial situation, as Mr. Davis has said. They have been doing a very good job, and it is the insurance companies and the people who have insurance that are going to pay if they don't have a responsive regulatory group, so this has to be passed if we are going to have regulation. And if you indefinitely postpone it, we will have no regulation at all, and that would mean, from what I understand, that the federal government would step in and do the regulating of the insurance companies. Do you want that?

The SPEAKER: The Chair recognizes the gentleman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Brannigan is right; it is \$250,000 a year, \$500,000 for the biennium. I don't see in the last year where the bureau added five people that the people in the state of Maine are now paying lesser amounts in insurance rates, which he is claiming that the more people they have in the Insurance Department, we are going to be paying fewer rates because they will get all the paper work done more quickly.

I would point out again that their budget has grown within five years, it has more than doubled, and I think at a time when people are crying out for a halt in the growth of government, I don't think we should be handing the insurance bureau every dollar they have asked for in this bill. I could see an adjustment for inflation, but I don't think we should be giving them a half million dollars for the biennium. I hope you will vote to indefinitely postpone this bill.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Orono, Miss Gavett, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Brannigan of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (S-93) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (H-106) was read by the Clerk.

On motion of Mr. Brannigan of Portland, Senate Amendment "B" was indefinitely postponed in non-concurrence.

On motion of the same gentleman, the House reconsidered its action whereby Committee Amendment "A" was adopted in concurrence, and on motion of the same gentleman, the amendment was indefinitely postponed in non-concurrence.

The Bill was assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Relating to the Maine Comprehensive Land Use Guidance Plan" (S. P. 262) (L. D. 744).

Report was signed by the following members:

Representatives:

KIESMAN of Fryeburg
MITCHELL of Freeport
HALL of Sangerville
MICHAEL of Auburn
HUBER of Falmouth
MICHAUD of East Millinocket
JACQUES of Waterville
DAVIES of Orono

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-92) on same Bill.

Report was signed by the following members:

Senators:

McBREAIRTY of Aroostook
O'LEARY of Oxford
REDMOND of Somerset

— of the Senate.

Representatives:

DEXTER of Kingfield
AUSTIN of Bingham

— of the House.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.

In the House: Reports were read.

On motion of Mr. Hall of Sangerville, the Majority "Ought Not to Pass" Report was accepted.

Non-Concurrent Matter

Bill "An Act Relating to Standards of the Maine Land Use Regulation Commission" (S. P. 264) (L. D. 746) on which the Majority "Ought Not to Pass" Report of the Committee on Energy and Natural Resources was read and accepted in the House on April 7, 1981.

Came from the Senate with that Body having Adhered to its former action whereby the Minority "Ought to Pass" as amended by Committee Amendment "A" (S-91) Report of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-91) in non-concurrence.

In the House: On motion of Mr. Hall of Sangerville, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Appropriations and Financial Affairs

Bill "An Act to Amend the Spruce Budworm Suppression Laws" (H. P. 1334) (Presented by Representative Smith of Mars Hill) (Cosponsor: Representative Pearson of Old Town) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative George A. Carroll of Limerick be excused April 8, 9, and 10 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative George L. Boyce of Auburn be excused April 8, 9, and 10 for Personal Reasons.

House Reports of Committees

Leave to Withdraw

Representative Strout from the Committee on Transportation on Bill "An Act to Provide Reduced Toll for Car Pools Using the Maine Turnpike" (H. P. 861) (L. D. 1024) reporting "Leave to Withdraw".

Reports were read and accepted and sent up

for concurrence.

Ought to Pass

Pursuant to Joint Order H. P. 264

Representative Curtis from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1981 (Emergency) (H. P. 1333) (L. D. 1526) reporting "Ought to Pass" pursuant to Joint Order (H. P. 264)

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

Consent Calendar

First Day

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

(S. P. 310) (L. D. 866) Bill "An Act Relating to the Costs of Transporting Persons to Hospitals for the Mentally Ill" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-102)

(S. P. 293) (L. D. 819) Bill "An Act to Appropriate Funds for the Expense of the Capitol Planning Commission" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-103)

(S. P. 274) (L. D. 783) Bill "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Employees of Local Districts under the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-99)

(H. P. 893) (L. D. 997) Bill "An Act to Require Availability of Municipal Ordinances" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-192)

(H. P. 751) (L. D. 888) Bill "An Act to Authorize the Town of West Bath to Regulate Ice Racing on New Meadows Lake"— Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-191)

(H. P. 643) (L. D. 733) Bill "An Act Relating to Winter Closing of Town Ways"— Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-193)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 10, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 509) (L. D. 560) Bill "An Act to Authorize Certain Crossings of Public Ways under the Highway Laws"

(S. P. 286) (L. D. 812) Bill "An Act to Amend the Workers' Compensation Law to Facilitate Ridesharing"

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

(S. P. 391) (L. D. 1149) Bill "An Act to Repeal the Prohibition Against Transfer of Birth Control Prescriptions between Pharmacies"

On the objection of Mrs. Prescott of Hampden, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

(S. P. 381) (L. D. 1139) Bill "An Act Concerning the Election Days in which Courts must Close"

(S. P. 380) (L. D. 1138) Bill "An Act Concerning Cases which may be Heard in the District Court for the Division of Western Aroostook"

(H. P. 786) (L. D. 931) Bill "An Act to Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks" (C. "A" H-186)

(H. P. 693) (L. D. 807) Bill "An Act to Establish a Transit License Plate for Movement of Special Off-road Vehicles and Equipment Weighing over 6,000 Pounds" (C. "A" H-187)

(H. P. 666) (L. D. 770) Bill "An Act to Clarify Application of the Workers' Compensation Law to Injuries Received by an Employee who Voluntarily Participates on an Employer-Sponsored Athletic Team" (C. "A" H-188)

(H. P. 740) (L. D. 678) Bill "An Act Concerning the Limitation on Damages for Loss of Comfort, Society and Companionship in Wrongful Death Action" (C. "A" H-189)

(H. P. 562) (L. D. 638) Bill "An Act Relating to the Confidentiality of Communications Between Patients and Dentists" (C. "A" H-190)

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

Passed to Be Engrossed

Bill "An Act to Amend the Tax Law Providing a One-time Property Tax Exemption for Disabled Veterans, World War I Veterans and Persons Claiming from World War I Veterans" (Emergency) (H. P. 1327) (L. D. 1521).

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

Amended Bill

Bill "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships" (H. P. 217) (L. D. 254) (C. "A" H-179)

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

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1981 (H. P. 1308) (L. D. 1510)

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. 115 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Require Disclosure of Reserves by Workers' Compensation Insurers (S. P. 343) (L. D. 987) (C. "A" S-85)

An Act to Amend the Lien Law for Sewer Districts (H. P. 222) (L. D. 259) (S. "A" S-98 to H. "A" H-155)

An Act to Establish the Department of Public Safety as the Lead Agency Regarding Accidental Spills of Hazardous Waste Matter (H. P. 270) (L. D. 303) (H. "A" H-161 to C. "A" H-126)

An Act to Permit the Workers' Compensation Commission to Grant a Rehearing on the Ground of Newly Discovered Evidence (H. P. 281) (L. D. 311) (C. "A" H-160)

An Act Relating to the Marking of Glassware (H. P. 589) (L. D. 667)

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 item of Unfinished Business:

An Act to Create an Environmental Health Program (H. P. 804) (L. D. 914) (C. "A" H-134)

Tabled — April 8 (Till Later in the Day) by Representative Berube of Lewiston.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: I am not going to ask to indefinitely postpone this bill, but I do have some concerns I would like to share with you.

It is my feeling that we are creating a new department to handle a new program that could very well be handled and monitored by existing facilities, under existing programs in the state. If there is a need for increased funding, why not merely give an additional staff person or persons, as the need might be, to the Department of Environmental Protection, the Bureau of Civil Emergency Preparedness, or departments of that nature? Instead, we are creating within the Department of Human Services an entirely new sub-bureaucracy.

I am also concerned because recently we enacted a bill that increases the registration fee on the registration of pesticides. It is to fund research relating to public health, it is to fund research, analyze and evaluate, and those are some of the same words that you will find in this new bill.

I guess my other concern is based on philosophy, I suppose. I feel very strongly that new programs should take their chances on the Appropriation Table like all the other worthy pieces of legislation which are enacted here and not fly through because they have been simply put in the Part II Budget prior to passage of the bill.

In the past we have been told, and as some of you have been told this morning and yesterday, that Part II may be changed. Maybe so, but it has been my experience that once a bill is enacted that is really wanted badly by some people, that funding usually shows up miraculously.

Mr. Speaker, may I ask for a roll call, please.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I am very much in favor of the environmental health program as outlined in this bill and urge you strongly to support it.

As many of you know, I voted against the environmental health program in the 109th Legislature, and would like to give you some background on why I voted against the program presented last time around and why I am supporting the program this year.

I felt that last year's program was too ambitious a beginning for a new and untried program. I believe it is better to start small; if you find it isn't working, you can stop. If you need to increase, then you can do it easily. I felt that last year's program was too costly, about twice what this one is. I felt it was too involved with state government, with little room for the private sector, and as most of you know, I am much in favor of the private sector. I questioned whether we needed physicians to head the various segments of the program. I didn't like the department's right to entry, and even though I supported environmental health, I was not convinced that it could be accomplished within the present framework of state government. So I really did have the same concerns last year that the gentlewoman from Lewiston does have.

That bill was defeated and I cosponsored a study order with Representative Lee Davis, Representative Kelleher and Representative Hickey to see if an environmental health program could be maintained within the present structure of state government without additional staffing. That study order passed, and I

served on the committee of five to study this subject during the summer months. It was a most comprehensive study with many interviews and several field trips. We learned very much about the excellent facilities and resources of the State of Maine, and we learned also that there was no one to coordinate any of the programs.

The Maine Poison Control is doing an excellent job in Portland. The University of Maine System has been cited for its research. Jackson Lab has won much renown, and the Foundation for Blood Research is invaluable. You have the DEP and the Agriculture Department, to mention only a few who are doing a fine job, but each is its own little entity. There is no coordinator for the most part.

After much study during this summer, I found, very much to my surprise, I must admit, that an environmental health program could not be staffed within state government. There just did not seem to be a place for it, and you can be sure I really tried to find one.

We worked hard on this bill and on this committee this summer, and those of us on the subcommittee think this is a good program, and the Health and Institutional Services Committee gave this a unanimous "ought to pass" and, as many of you know, we don't have many unanimous "ought to pass" reports from my committee.

This program would be established under the Bureau of Health. It would be staffed with a nonphysician epidemiologist to do the coordinating, a toxicologist for short-term investigations, and a clerk in the first year to start the program.

The second year, a research assistant to handle statistics and so forth would be added. So you have a maximum of four people.

It would contract, the maximum extent possible, with the private sector for services, research, and so forth, so that there would not be a duplication of effort within the state. I was very much interested in that point, because with the amount of time we spent with various people, various agencies throughout the state, I felt it was most important that we did not have the state government duplicating an effort but use the facilities we already have.

It will have an advisory board from both the public and the private sector.

The program does not contain any provision for rulemaking powers, or it does not give the department the right to entry, so I think that would eliminate any fears of a department takeover.

The purpose of the program would be to monitor the health of the people of the state and to ensure that any threats to the health of the people of the state are identified, appropriately considered and responded to in the best way possible.

We have many unanswered health problems. In spite of our many programs, we have no central source to turn to in an emergency.

At the time of the very incident that everybody knows about, when we were interviewing people, we asked various agencies and groups throughout the state—why did it take so long, why didn't someone go forward with it? Really, no one went forward with it because there seemed to be no central agency to be in control or to know exactly where to go.

We have true facts and we have true figures about disease and illness in Maine, and I think the time has come when we really need to know.

It does have a price tag, of course, and as most of you know, I am most economy-minded. The price tag is \$189,000, and I agree with you, that is a lot of money. An amendment was put on for an emergency. We took the emergency off in committee, which would reduce the price tag by better than \$22,000.

I think everyone in the legislature is concerned about money this year, but I feel that the health of the people of Maine should be one

of our top priorities, so I hope that you will consider that.

In reference to the Pesticide Board, which the gentlewoman from Lewiston mentioned, that is to do only with the pesticide board—I also voted against that bill because I felt that this was the better solution to our problems. Even though the Governor has put this program in his budget, I would imagine that this program would take its place on the Appropriation Table along with most of the other programs.

I hope you will all consider this program and the health of the people of the state and vote for it.

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

Mr. SMITH: Mr. Speaker and Members of the House: I hate to oppose my good seatmate, Mrs. MacBride, but I have been watching this bill slide through here day after day and I just feel it is my duty to get up and speak. I think this is a poor time to add another layer of bureaucracy, especially when we have seven or eight—I know most of all of you are familiar with that, with the proposed Governor's cuts in the DSI program, the Student Incentive Program, loans, the slots, the Forestry Program, the Bookmobile, which some of the people in Washington County want very much, and the adult education. I think it is futile to say this bill will lay down there when we have other things, in my opinion, that are of a higher priority, just to clutter up the table.

I hope you will vote the nonpassage of this bill.

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

Mr. BRENERMAN: Mr. Speaker, Members of the House: I guess I am speaking today as not only a member of the Appropriations Committee but also as chairman of the subcommittee that studied this issue for the last five months of 1980. On that committee was Representative MacBride, former Representative Norris, Senator Hichens and Senator Carpenter.

I would like to answer a couple of the comments made by my good friend, Representative Berube. She states that we would be creating a new department. Actually what we are doing is hiring a couple of specialists in the field of health to work in the Division of Disease Control. The reason we felt that these people should be in the Division of Disease Control and not in the DEP and not in Civil Emergency Preparedness is because the Bureau of Health and the Division of Disease Control is ultimately responsible for the health of the people of the State of Maine.

Her other comment was that the Pesticide Bill passed and that would hire some people to deal with public health. That is true; however, those people would only deal with the health effects of pesticides in certain parts of the state.

The toxicologist and epidemiologist, who are both specialists in dealing with health problems, would be dealing with other health problems that we have in the State of Maine. We have one of the highest cancer rates in the country, we have the third highest lung disease rate in the country, and one of the highest rates of multiple sclerosis in the country, and there is no one in the state that can tell us why those things happen in Maine. Those are the problems in the long term that these two specialists, along with the other people in the department and any people that they contract with, will be able to study over the next 10 years.

We also have short-term problems. There are various toxic chemicals in our society which cause problems. The problem in the Town of Gray is an example. In the Town of Gray, the state did not respond for three years after water was found to be polluted, and the reason we didn't respond is because we had no one at the state level who knew anything about

the health effects of polluted water on the public. We had people from Gray who wrote letters to the committee and they told us about children with health problems with dizziness so they couldn't even sit on a chair, and we cannot tell without doing blood samples over a period of time what the long-term effects will be on those children and what the long-term effects will be on their parents, and whether those parents can ever have normal children again.

It seems to me that it is worth the amount of money that is in this particular legislation so that we can attempt to save a few lives possibly in the future and maybe prevent some problems from happening maybe now, and maybe in the future, and it seems to me that this amount of money is small compared to the price of a life that we could save because of passage of this bill.

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 passage to be enacted. All those in favor will vote yes and those opposed will vote no.

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

Mr. WEBSTER: Mr. Speaker, I request permission to pair my vote with Representative Higgins of Portland. If he were here, he would be voting in the affirmative and I would be voting in the negative.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, I request permission to pair my vote with the gentleman from Portland, Mr. Manning. If he were here, he would be voting yea; if I were voting, I would be voting nay.

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

Mr. BROWN: Mr. Speaker, I request permission to pair my vote with the gentleman from Auburn, Mr. Boyce. If he were here, he would be voting yes, I would be voting no.

ROLL CALL

YEA — Baker, Beaulieu, Bell, Benoit, Boisvert, Brannigan, Brenerman, Brodeur, Cahill, Carrier, Carter, Chonko, Clark, Connolly, Cox, Crowley, Cunningham, Davies, Dexter, Diamond, G. W.; Diamond, J. N.; Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, L. M.; Holloway, Huber, Jacques, Joyce, Kane, Kany, Ketover, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Martin, A.; Masterton, McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Pearson, Perry, Post, Prescott, Racine, Randall, Reeves, P.; Richard, Rolde, Small, Smith, C. B.; Soulas, Soule, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

NAY — Aloupis, Armstrong, Austin, Berube, Bordeaux, Brown, A.; Brown, K. L.; Callahan, Conary, Connors, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hunter, Hutchings, Ingraham, Jackson, Kelleher, Kiesman, Kilcoyne, Lancaster, Lewis, Martin, H. C.; Masterman, Matthews, McKean, McPherson, Nelson, A.; Paul, Perkins, Peterson, Pouliot, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Smith, C. W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

ABSENT — Carroll, Hobbins, Jalbert, Jordan, LaPlante, Laverriere, O'Rourke.

PAIRED — Boyce-Brown, D.; Higgins, H. C.-Webster; Leighton-Manning.

Yes, 82; No, 56; Absent, 7; Paired, 6.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-six in the negative, with seven being absent and six paired, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

Mr. BRENERMAN: Mr. Speaker, having voted on the prevailing side on L. D. 914 "An Act to Create an Environmental Health Program" I move that the House reconsider its action whereby this bill was passed to be enacted and hope you all vote against me.

The SPEAKER: The gentleman from Portland, Mr. Brenerman, moves that the House reconsider its action whereby L. D. 914 was passed to be enacted. The Chair will order a voice vote. Those in favor will say yes, those opposed will say no.

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

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

Bill "An Act Concerning Residing Prior to Voting in an Election" (H. P. 793) (L. D. 947)

Tabled — April 7 by Representative Higgins of Scarborough.

Pending — Motion of Representative Diamond of Bangor to Indefinitely Postpone Bill and Accompanying Papers.

(Roll Call Ordered)

The Chair recognizes the gentleman from Bangor, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, I request permission of the House to withdraw my motion.

The SPEAKER: The gentleman from Bangor, Mr. Diamond, withdraws his motion to indefinitely postpone the bill.

The Chair recognizes the gentlewoman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank everyone for the bipartisan courtesy of tabling this bill the other day. Since I believe it is necessary to conform other parts of the election law statutes with the provisions in this bill, I will make the motion to indefinitely postpone this bill and all accompanying papers. I sincerely appreciate your sympathy in my efforts to try and make some reforms in our election laws.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I obviously will not oppose the motion which has been made by Representative Hutchings.

I would merely point, however, that there is a dire need for a revision of some sort in the process of elections. Perhaps a committee which is very much involved with judicial and legal matters might be the way to go.

I would also point out that there are only four states in the United States which accept voter registration on election day, four states, Minnesota, Oregon, Wisconsin and Maine. All the others have closed session prior to election day, which, in effect, requires people to be residents in order to vote.

The residency requirements in the states around the nations range anywhere from 10 to 30 days, and of the four states that I mentioned, Maine is the only state which does not have any residency requirement.

Wisconsin has 10 days; Minnesota and Oregon have 20, and I believe that closer to home, Connecticut, has 30. The information is from the federal elections commission in Washington.

I mention this so that you can be aware, and hopefully, something can be done in the future.

Thereupon, on motion of Mrs. Hutchings of Lincolnville, the Bill and all accompanying papers were indefinitely postponed.

Sent up for concurrence.

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

Bill, "An Act to Permit Knox County to Withdraw from the Maine State Retirement System" (H. P. 487) (L. D. 539) (C. "A" H-128)

Tabled — April 7 by Representative Diamond of Windham.

Pending — Passage to be Engrossed.

On the motion of Mrs. Nelson of Portland, tabled pending passage to be engrossed and specially assigned for Monday, April 13.

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

Bill, "An Act Relating to Furloughs for Inmates of County Jails" (H. P. 872) (L. D. 1041) — in House, Bill and Accompanying Papers Indefinitely Postponed on April 2. — In Senate, Passed to be Engrossed.

Tabled — April 8 by Representative Prescott of Hampden.

Pending — Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House recede and concur.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you vote against the motion to recede and concur. We killed this bill at the beginning of this week and that is the way it should be. This is not a good bill, as you know, and we tried to explain to you before. We gave it a good sounding defeat at the beginning of the week and I hope you vote against the motion to recede and concur so we can make the motion to adhere and that will be the end of it.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Members of the House: Just a reminder that this is a bill that was requested by the Sheriffs' Association—the second part is that this will make the privileges for inmates of county jails for lesser offenses the same as the prisoners or the inmates at the state correctional facilities.

I would like to address a couple of points in this bill. The gentleman from Westbrook, Mr. Carrier, pointed out that this furlough would be granted for any reason, but he failed to read the rest of the sentence which would say, "any reason consistent with the treatment and rehabilitation of an inmate or prisoner." The gentleman from Westbrook, last year, appeared before our committee on another bill of another matter, and suggested that the purposes of our correctional facilities was to punish, to deter and to rehabilitate. I would agree that we should be doing all three, but the problem is that we have very little in the way of rehabilitation.

I think when people are angry and frustrated about our criminal justice system, they want people to serve their due punishment to the state and I agree with that purpose, but if we ignore the other part of what our correctional facilities are to do, to rehabilitate, we lose the opportunity for leadership, we lose the opportunity for solutions. All we do is postpone the inevitable results and we just hold people in the prisons.

I would like to address some of the attitudes that people have in here and maybe the attitudes of those who are sentenced. When somebody is to serve a sentence for about, let's say, six months or 180 days, I find it very difficult to understand how it is going to make much difference in attitude of that person whether the person serves 180 days locked up or whether he serves 150 locked up and 30 days or even 10 days in a rehabilitation program of some sort.

I would hope that we would support our county sheriffs, we would support a more positive solution, to try to develop results in the people who are being released from our jail

system, after having paid their dues to our society.

The SPEAKER: The Chair recognizes the gentleman from North Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker, Ladies and Gentlemen of the House: The point of this whole thing is that the Maine State Prison allows furloughs and the correctional centers allow furloughs. These men are in county jails for lesser crimes and should also be allowed the furlough; that is the point I saw in the whole thing.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I think we should consider what we are about to do very carefully. There has been a lot of discussion over the years about politics in the sheriff's office. Bear in mind, our sheriffs are political candidates. They are elected every two years and you are elected by having a political force behind you. Are we going to make furloughs available on a political basis?

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: A question to, I guess, the public in total—did you ever notice how there are two facts that seem to remain with each other—as the amount of leniency you provide to the people who take our laws in vain, did you also notice how the crime rate rises right with it?

I would request a roll call.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I think we should point out, as Mr. McCollister has said, these sheriffs are elected by the same voters that sent us here. If they do not exercise good judgment in granting furloughs, the people of our districts will let them know about it, because they will remove them from office. I feel that we would be responsive to the people of our districts if we left this very important matter to our sheriffs and let them account to the voters of our districts.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As we all know, the legislature giveth and the legislature taketh away, and the sheriffs in our respective counties or, for that matter, any other law enforcement officers, have to work within the rules of laws that this body provides for it. I think this House is as representative of the majority of the people in the state of Maine in liberalizing our laws dealing with criminal offenders.

I grant you, there is a difference between the system that we deal with the Maine State Prison, but I would remind the gentlelady that brought this issue up, this House is somewhat more conservative than Houses in the past, it seems to be somewhat more consistent with the general thinking of the people of the state of Maine and I think that was reflected last week in the vote on the motion that Mr. Carrier made.

I would urge the House this morning not to provide vacationland for people that are breaking the laws. As I said the other day, they don't get into these institutions doing public service; if anything, they are there because they have done wrong to the citizenry, the people of this state. I would urge this House not to recede and concur and a subsequent motion, I am sure, will be made to take care of this bill.

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. 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: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: Just one more point, I would hope that you would consider the wishes of the people. I think that is what we are discussing, what they actually do want. I think the issue of crime and the criminal justice system is one of the major issues that my constituents have addressed in times that I have gone from door to door. I do know that they feel that we ought to deal with them, we ought to deal with the persons who are sentenced for crime in a very firm way. But what they really want is, they want the people who are released from our jails to be ready to work in a system in society in which they can be equal citizens, in which they can be law-abiding citizens. I would hope very strongly that you would promote that by allowing treatment and rehabilitation so we can have a more just society and we can have some people that will be able to make it after they have their dues.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do not vote to recede and concur so that we can adhere. A few years ago we had this same bill for furloughs and I said, I am willing to compromise with you people, if the prisoner is going to tear up the jails, break everything, that we should add on to his sentence. The same people say, no, no, you can't do that, the judge gave a sentence, that is all he can give them. Well, they don't even want to compromise. Let's adhere. Let's defeat this motion and then adhere.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I am sure there are many hidden agendas here about this piece of legislation but it seems perfectly clear to me, and some may call me a bleeding heart, but I think we are talking about rehabilitation. You either believe in it or you don't believe in it. If you don't believe that a person who is in jail has a chance to perhaps go to a center for alcoholism or a center to try to be rehabilitated because they are on drugs, or perhaps want to go to a place to learn a trade so he won't have to be a criminal, if you believe we don't need that in society and that there is no room for rehabilitation, then you clearly want this bill killed. But if you believe there is room in our society for people who can, indeed, say I am sorry and I won't do it again, then you will vote for the bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Hampden, Mrs. Prescott, that the House recede and concur.

The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

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

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

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

ROLL CALL

YEA — Austin, Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Brown, D.; Cahill, Connolly, Cox, Davies, Dexter, Diamond, G. W.; Diamond, J. N.; Fitzgerald, Foster, Gowen, Gwadosky, Hall, Holloway, Huber, Hunter, Ingraham, Jackson, Kane, Kany, Ketover, Kilcoyne, Lisnik, Live-say, Locke, Lund, MacBride, Martin, H. C.; Masterton, Matthews, Michael, Mitchell, E.

H.; Mitchell, J.; Nelson, M.; Paradis, P.; Pearson, Prescott, Randall, Reeves, P.; Richard, Rolde, Theriault, Thompson, Walker.

NAY — Alopis, Armstrong, Bell, Berube, Bordeaux, Brown, A. Brown, K. L.; Callahan, Carrier, Carter, Chonko, Clark, Conary, Conners, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Erwin, Fowlie, Gavett, Gillis, Hanson, Hayden, Hickey, Higgins, L. M.; Hutchings, Jacques, Jordan, Joyce, Kelleher, Kiesman, Lancaster, Leighton, Lewis, MacEachern, Macomber, Mahany, Martin, A.; Masterman, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Moholland, Murphy, Nelson, A.; Norton, Paradis, E.; Paul, Perkins, Perry, Peterson, Post, Pouliot, Racine, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C. B.; Smith, C. W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Tuttle, Twitchell, Vose, Webster, Wentworth, Weymouth, The Speaker.

ABSENT — Carroll, Higgins, H. C.; Hobbins, LaPlante, Laverriere, Manning, O'Rourke.

PAIRED — Boyce-Michaud; Jalbort-Nadeau.

Yes, 52; No, 88; Absent, 7; Paired, 4.

The SPEAKER: Fifty-two having voted in the affirmative and eighty-eight in the negative, with seven being absent and four paired, the motion does not prevail.

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

Mr. CONNOLLY: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

Not to belabor the point, but last week when we voted on this bill, and again it was confirmed by the vote that we just took, the sentiment was overwhelmingly to kill this particular piece of legislation. I want to remind you, however, of a couple of things. The cosponsors of this bill include Senator Perkins, Representative Randall and Representative Boyce, who I don't think, by anybody's imagination, could be considered liberal, bleeding hearts, prison reform type people, and they sponsored this legislation along with Representative Brodeur.

Last week, when Representative Carrier made his initial attack on this bill, he said that he was willing, initially at least, to allow the bill to stay alive because perhaps there could be an amendment that could be offered that would make the bill palatable to some people in here.

When the bill went to the other body, that body's action was to overwhelmingly endorse the bill, to keep it alive in hopes that this branch might be able to work out some kind of a compromise.

When Representative McHenry got up, he spoke about a compromise. He said that at one point last session he was willing to at least compromise on the bill, but then spoke about tearing up the jails. I just want to point out to him and others that if an inmate in a county jail destroys property in that jail, that inmate can then be charged with destruction of property, and if he is convicted of that crime, then his sentence can be lengthened because of that conviction.

I would ask this House today not to kill the bill. You have the votes here to kill this bill at any point because of the large margin. If you would agree to insist and allow us to have a committee of conference, perhaps we may be able to have an amendment that would be acceptable to Representative Carrier and others. I would hope that you would support this motion to insist.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House to hold its vote this morning. I ask for a division on the motion to insist and ask for a committee of conference.

I appreciate the eloquence of the good gentleman from Portland in trying to encourage this House to support a committee of conference because this House may work up an amendment that would be agreeable to that other unmentionable body. If you will remember just a few days ago, there was a bill in here, which I won't discuss, that we did put an amendment on, and that unmentionable body was in no way willing to support it, and I think you all remember what that bill was.

I would urge those of us who are opposed to this legislation not to be corralled into the idea of going for a committee of conference, insist on it, to help the opposition. I would ask for a division and urge the House to vote against the good gentleman's motion. Then there is one more motion left that someone will make, I am sure.

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

A vote of the House was taken.

50 having voted in the affirmative and 84 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to adhere.

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

Bill, "An Act to Clarify the School Construction Law" (H. P. 166) (L. D. 230) (C. "A" H-176)

Tabled — April 8 by Representative Connolly of Portland.

Pending — Adoption of House Amendment "A" (H-183)

Mr. Connolly of Portland moved that House Amendment "A" be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L. D. 230, with its accompanying committee amendment, guarantees a secret ballot. However, without my amendment, it does not assure freedom at the polls.

This amendment stops overzealous school boards and superintendents from unfairly presenting an issue to the public by having printed on the ballot their recommendation of how the voters should vote. Yes, the present law allows school boards and superintendents to contaminate the ballot by presenting their views upon the ballot. All this amendment does is guarantee that the voter receive the same protection at the polls that he has in any other referendum vote.

When you vote, please consider this — would you have the Secretary of State print upon the ballot his recommendation of which candidate the voters should vote for in the next general election?

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Earlier in this session, Representative McCollister presented another bill, L. D. 822, I believe it was, before the Education Committee, which attempted to address the very issue that he presents before us with this amendment. That bill was not properly drafted to do the kind of thing that Representative McCollister wanted to do.

After the committee heard the bill, and in a subsequent work session, there was a great deal of sympathy within the Education Committee, I believe, for the point of view and problem that Representative McCollister pointed out. Some of us initially reacted by saying, my gosh, regardless of how you feel about an issue, should the school committee be able to put its recommendation on the ballot when an issue goes before the voters dealing

with school construction? We had our committee staff draw up an amendment which is almost identical to the amendment that Representative McCollister has before us today, and we were very close to passing that amendment out of committee as a redraft of his original bill.

Then it was pointed out to us, not in Title 20, which is the Education Laws of the state, but in Title 30, there is a provision in Title 30, and let me read it to you, it is very brief. "If a particular article to be voted upon by secret ballot requests an appropriation of money by the municipality, the article, when printed in the warrant and on the ballot, shall be accompanied by a recommendation of the municipal officers." And if such action affects the school budget by the school board, here in Title 30 is a provision that says, "if a matter affecting money in a community" and in this case a school matter, "is to be put before the people for a vote, then the recommendation of the school committee shall be printed on the ballot."

The theory behind that provision, as I understand it and why it was put into the original law, is that there are elected officials, whether that be the town council or in this case the school board or the school board of directors, presumably responsible people who have made a decision to put a matter before the people for their vote, and their recommendation is important for the people when they vote to understand how they feel about an issue, that is why we have this provision in the law.

Representative McCollister had an issue that came before the voters of SAD 21. Mr. McCollister was in the minority and he disagreed with the article that was put before the people for a vote. His side lost and the school construction went forward. This is an attempt, in my opinion, to get back at those people who passed that referendum because he feels he was treated unfairly. But in my opinion, and I think most of the members of the Education Committee agree because we subsequently killed that original bill by a unanimous vote, it is responsible, it isn't devious, it isn't an attempt to take advantage of the voters by simply having the recommendation of the school committee on the ballot at the time a money issue affecting school construction is to be voted on.

I would hope that you would support the motion of indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker and Members of the House: Representative Connolly said the building in my district is now being built. But regardless of which side of the issue I was on, there will be future school bonding issues around the state and is it right that the parties who do disagree with the bonding issues that are put up by the state be allowed to advertise their position on the ballot or in the ballot box? This is what we are giving the school boards, a position of going right into the voting booth with the voter with their recommendations.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: L. D. 230 is a good bill, which cleans up or clarifies existing school construction laws and school referendum procedures. And as the chairman of our committee reported to you, Representative McCollister presented a different bill, L. D. 822, which even though the L. D. didn't include the specific language that we find in H-183, the Representative from Canton testified that this was the reason his bill was being presented.

The committee listened to the Representative, his bill, his ideas and his motives for the bill. In essence, we heard H-183. We listened carefully to the overwhelming opposition to his bill and the technical opinions in opposition

from the Department of Education and Cultural Services and the Secretary of State's legal staff based, as the chairman said, on Title 30.

The language and concept of Mr. McCollister's amendment has been heard by our committee, and his original bill was reported out unanimous "ought not to pass," and this chamber has acted on that L. D. L. D. 230 is a good bill as amended by the committee amendment, filing number H-176, and reported out unanimous "ought to pass." I urge you to indefinitely postpone amendment H-183 and then pass L. D. 230 as amended by H-176.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

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

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Gwadosky of Fairfield assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

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

An Act to Regulate Interest Rates on Life Insurance Policy Loans (S. P. 153) (L. D. 361) (C. "B" S-81)

Tabled — April 8 by Representative Brannigan of Portland.

Pending — Passage to be Enacted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote to enact this Bill, I would like to attempt to clarify a few points which I believe need clarification. I don't know if you realize the complexity of this bill; it is a very complex thing and it is very difficult to understand and follow through. I have a strong feeling way down deep that the only side that has been heard is from the lobbyist side, and I don't believe that we should pass a bill unless we are thoroughly familiar with all of the issues.

This thing is very complicated, and I don't believe that it is understood by all. What will the impact be? What will it cause? I have heard both sides of the story, I have discussed this with people from the insurance bureau, and for some unknown reason, I cannot accept the terminology as to what this bill does, and if I don't understand this, and I am on the Business Legislation Committee, I have a strong feeling that some members of this House don't understand it. I feel that before we vote on this, some points have to be clarified.

Now, what does the bill do? The bill is model legislation; it has been presented in other states. I don't know how many states have adopted this, and I have a strong feeling that possibly we could be the first, I don't know, but I don't think that at this time we should be the number one. I think we should wait and see what happens.

The insurance rates are regulated mostly by the State of New York; most of the policies are written there. This is why you have an 8 percent cap today. What this bill does, it authorizes the insurance companies to use Moody's corporate bond yield average monthly average. And right now if we use the Moody's, people would be paying 14 percent interest on the money that they have accumulated on an insurance policy. This is a lot of difference. It is 8 percent now and we are going to say they can

charge 14. That is an increase of 6 percent, and who is going to suffer? It is the little policyholder.

You have heard from the lobbyist side that some of the funds are being drained on your large policyholders. What is a large policyholder? I would say probably the \$100,000 or above.

Yesterday, after we tabled this bill, I approached a lobbyist from the insurance industry, and they wanted to know why I had tabled the bill and what I intended to do — I'm sorry, I didn't table the bill, the chairman did — why the bill was tabled. I expressed my concern that this was a people's bill, a bill that would restrict the small policyholder to borrow his own money. I said, if you are concerned with the large ones and the large policyholders are removing their money, why don't we establish a cap on? On \$50,000 and above, you could use the variable rate. Well, that was just like — this was totally unacceptable, so what does it mean? It means that the little policyholder, the individual who bought a \$5,000 to a \$10,000 policy, that wants to borrow money, his own money, is being restricted on the basis of the high interest that he has to pay on his own money. I don't believe that this is quite fair.

Some of you have been heavily lobbied on this thing. And incidentally, I was quite upset this morning about the fact that those of you who were lobbied were asked to vote for the chairman, and I don't think that is the right approach; it should have nothing to do with this. What you should be voting on is the bill, not for the chairman, not against or for me. Does this bill have any merits? If it does, then it should be voted on that. It wouldn't make any difference who the chairman is. It really is upsetting that people are asked to vote for something on the basis of personality. Of course, I am a freshman legislator and these things are really new to me, I don't understand them. Maybe that is the way things work around here, but if it is, I don't think it is right.

The things that really surprised me is that the day we debated this bill, I believe we debated this for an hour or hour and fifteen minutes, there was no press coverage on this, nothing at all. I am just wondering why.

This has a tremendous impact on policyholders; yet, nothing was said in the papers and to this day I don't know why this came about. I realize that on that day we debated quite heavily a right-to-work, I believe that was the same day, and maybe this was put on the back burner but I figured in a couple of days that some mention would be made in the paper that the action that we took would restrict the policy owner from borrowing on his money. It restricts it on the basis that he has to pay a higher interest rate.

I would like for you people to think about this. Some of us attempted to circulate and try to explain or answer some of the questions that you may have and I am afraid that we didn't do such a good job, because some of the questions are quite complex and it takes someone — I don't know who it takes to explain this, it is really a complicated bill. As a matter of fact, yesterday afternoon, we had someone from the insurance bureau that came over to explain it to some of us, answer some of the questions that we had, and I am afraid that when we left that little meeting, we were still all confused. So on that basis, I believe we should not enact this bill, we should vote against enactment, and I would request a division.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I was wondering where we were going on this bill. It is up for enactment at this point and no amendments have been offered or anything like that.

To me, the issue is very simple, that the present state law has no cap on the interest rates. The bill, as put out, the committee totally

agreed on the bill except for one area, the bill would provide for an 8 percent cap or it would allow variable rates.

The committee had problems deciding whether the variable rates should be pinned to the Moody's rate, the bond rate, or the Moody's minus two, and we debated that at some length the other day. This House, at that point, hopefully, at least they did in the vote, they accepted our position that it should be the straight Moody's rate, which would be in conformity with the rest of the country and it would probably work out that it would allow variable rates to be offered.

The basic issue in this to me is the issue of why you buy whole life policies. Do you buy them for insurance protection or do you buy them so you can borrow your money back on them? If you borrow your money back on them, the difference between the Moody's or the Moody's minus two is a very small difference. It generally will benefit large insurance policyholders who are using their money, they are floating it around between different investments, it is not going to make any difference to the small insurance policyholder.

At this point, we are at the enactment stage of this particular bill. I would point out to you that if you kill the bill, it will then go back to the state law which has no cap on the rates, they can go anywhere they want to. I wouldn't allow variable rates on your policies. I personally think that this option of allowing this is a good option, that it should be done. It generally will mean that the insurance policy will cost less and, again, we are talking whole life and certainly on the non-mutual companies, and I believe, the policy will and I think on the mutual companies it also will but it gets a little bit more complicated there.

I hope very much this House will enact this piece of legislation. And again, I just want to make the point that the Business Legislation Committee, in weighing this whole matter, there was no disagreement on the committee that the basic thrust of the bill was needed. The committee's problem seemed to come in a very small area, and that was the question of how the rates would be indexed. I think we decided that question, let's pass the bill, please.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, Representative Jackson just told you that there is presently no cap. Can you honestly believe that the insurance industry is over here asking us to put a cap to help the small policyholders? If you believe that, enact it; but I don't.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am just a little ordinary guy and I always have this tendency to worry about the small ordinary guy and this bill worries the dickens out of me. The halls have been full of some of the best, and I know that they are not down here for the small guy because the small guy can't afford them.

I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Pouliot.

Mr. POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to speak to you on this issue but I want you to know that I have 19½ years in this life insurance business. Close to 17 of those years was spent in management; the other years were spent in sales.

Last evening, when we finished working on Business Legislation, which was approximately around six o'clock, I came to this hall to see if I couldn't search and find some way for myself in how to resolve this matter. I must tell you, it is awful quiet here in the evening. I

was here until quarter of nine. I made an awful lot of notes and, believe me, the more notes that I made the deeper it got. Today, I feel like a little man facing a big giant. Now I know how David felt when he met with Goliath.

The insurance industry is a big industry, but the thing that I could not accept is that out in these halls, like it was pointed out to you, I, as a Freshman, had to possibly be taught a lesson. But the years that it has taken me to study and put some hard work into this insurance business, I cannot understand and fully believe, and I respect all of you people, that you can fully understand the total impact that this bill may have.

I would like to give you some information that I sought out yesterday which was given to me by the Insurance Bureau. It is the National Underwriter, it was dated March 28, 1981, received by the Bureau of Insurance, April 1st. It talks on flexible loan rate bills killed in five states. It says: "A lot of the life insurance industry can cheer the passage and signing into law of a flexible policy loan rate bill in Virginia earlier this month; similar measures have been killed in five states. The states are Georgia, Mississippi, New Mexico, South Dakota and Wyoming."

I want to be fair with you, ladies and gentlemen, also lawmakers have passed and enacted it in the states of Arkansas and Utah but yet to be signed by the governor. But the one piece that really has impressed me is Hawaii. They, too, are also faced with this piece of legislation, but they had looked at the matter in another way and said, let's not run, let's walk. They have decided to take a wait-and-see position on this bill. I would also like to point out what Mr. Racine said — I would believe that if there were a lot of merits, this bill would probably have been introduced into the state of New York first. Ladies and gentlemen, I tell you, they may have been faced with stiff opposition. If Hawaii can take a stand and sit and wait, then I also believe that if this is good legislation it can always come back.

Two things can happen here today. You can enact this bill and make it law not fully understanding the total impact that this bill will have upon this state, and I tell you sincerely, this involves every one of you here because every man living in this state is a possible policyholder in years to come, but they will not face this impact until 10 or 15 years from now, because the cash values will not happen until then. It is serious. I urge you to think this matter over.

I have sat on Business Legislation and, believe me, I am learning a lot. I have sat next to a man who has 40 years, 40 years in this business, also 40 of those years are as an actuary. I tell, to become an actuary it takes many years of study to understand what they do. I could possibly go out today and find you maybe one of the finest actuaries in this country of ours. I could have him come to the podium and talk to you about actuary work and, believe me, I know I would leave this chamber totally confused and I have 19½ years in this business. To understand what takes place in an actuary is very complicated. This is why I say to you, there is no lobbyist out there who fully understands what an actuary's work is all about and when he tries to tell you and sway you on how to vote on the future of future policyholders, then I would just say as a legislator, are you here to work with the lobbyists or are you here to work for the citizens of the state of Maine?

If it does have merits, you will see what the other states are doing. It can always come back.

Some people in my industry and others can't seem to understand the reason why I really feel like this and to tell you truth, like I have told some I have been contacted on the phone by many, as I have told them, when I am here in these chambers, I am not here to do my home office's business, I am here to do the people's business. I ask you today to weigh this matter,

think it out.

In conclusion, I would ask you to support this "Ought Not to Pass."

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I am a little reluctant to rise because I am the chairman that was spoken of before. Actually, as we were all running around talking to folks this morning, people kept saying to me — now, are you with Racine or against Racine? I am not sure that the people were being asked to vote with the chairman, it is just that the chairman's name, Brannigan, was attached to Report B and Racine's name, my colleague on the committee, was attached to some other report, Report A originally, and then possibly some other approach.

First of all, this number one business — Representative Pouliot gave you some of the information, but let me give you the information about this model legislation which is dealing with a new area. This is an area that has not been dealt with in the United States — variable rates. It hasn't been dealt with much in banking. We haven't dealt with it here on the floor in banking because it is allowed in Maine; we have dealt with it, it has gone through this body but we didn't discuss it. It is something that we don't like. We like things fixed and we like to know down the line what the future brings for the next five, ten, fifteen or twenty years, but the whole issue of variable rates, I think, is a problem. Here we are dealing with it with this thing called insurance. I am sure those gentlemen and ladies are dealing with something else.

Let me give you a rundown. We are not going to be the first state to pass this. First of all, it has been introduced across the country in 28 states. It is now law, as I understand, in California and Virginia. May I also say it is law in Canada. It has been a law in Canada for many years, Canada has been used to variable rates. I may have mentioned this before, I couldn't believe it when I visited friends in Canada a few years ago and they didn't know what their mortgage rates were going to be over the next five ten, fifteen years because they were varying, so Canada has had an experience with this. As I told you, they have had good experience with this it has not gone up to the maximum, indexes have been set, it has not been a bad experience.

It is now law in California and Virginia and in our sister country of Canada. It is on the Governor's desk to be signed in three other states. It has passed the House and Senate in Connecticut. It has been favorably reported out of committee in Massachusetts, as it has been here.

I understand that in the five states where it has been killed, that at least in one, and maybe more, people tried to attach some things to it that made it unpopular like you can't sell anymore insurance to the cash value. I have heard that said. Anyway, that people tried to attach some things to it that made it unpopular, like you can't sell anymore insurance with a cash value; I have heard that said. Anyway, we will not be number one, although I don't see any reason not to be number one if we understand.

There are a number of people who have said they are in the insurance business or they have tried very hard to understand this and they can't. They are also very upset because there is a big lobby running around. I didn't ask for that lobby. I think the lobby was increased because they didn't think that Joe Brannigan could explain this on the floor because it is complex. I did try to explain it on the floor before, and I am sure that many people don't understand it. I feel that I do to the best of a layman's knowledge, and I explained it to the best of my knowledge to you a few days ago, and 99 of you voted with me and I would hope that you would continue to vote with me today. If we don't have

this, we have an unlimited possibility, and, as I told you before, we have filings, at least, with our commissioner, if not sales, of some interest rates which people, if they ever have to borrow, and hopefully people don't have to borrow on their insurance, but if they do need to, on this kind of insurance it could be up as high as 15 percent. It could go higher, 20, 30, there is no — well, at least it could go higher, at least up to 18. I don't know whether our other urury caps apply.

I would urge you to defeat this motion to indefinitely postpone and to put this new, but I believe needed, as Representative Jackson has explained, piece of legislation on our books.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I have been in business with insurance companies for 42 years, and if you don't know what an actuary is, they are insurance mathematicians. Maybe that is an easier term. But that is not the reason I am standing up here today.

I have been uneasy about this type of legislation ever since it was introduced. I don't know whether to go with a cap, I don't know whether to go with a flexible rate; the only thing I do know is that I don't want Maine to be a guinea pig. You heard this morning that five states have already rejected this and two have passed it. If that trend follows, you will find that there will be 20 states of the 28 that will reject this legislation. I don't feel that we should be in a position to change a law at the moment, which has been on the books for 12 years with no problems, without knowing exactly where we are going.

I have told the opposition that if we could hold this bill for a couple of years and if we can get a bill that is feasible country-wide, I would be more than happy to go with it, but at the moment, I am not going to talk to the merits of the thing, I just feel that it is too early. Therefore, I ask that you favor the motion before the House and that we indefinitely postpone this measure.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: We have easy bills in here, we talk about lobsters, we talk about the sacred salmon, we talk about things like that that everybody understands and everybody knows, we feel confident about, and everybody in the House can stand up and have something to say about it. Well, this isn't that kind of a bill, and we are seeing a lot of bills in here that aren't that kind of a bill.

So far, the people who would like to kill the bill have given you a number of good reasons why the bill should be killed — let's wait and see; the lobby is evil; I have a gut feeling; it is a complicated bill and we don't want to be a guinea pig in this state. No one has discussed the merits of the bill. No one has said, I don't like the bill because it doesn't do such and such and such and such — no, they are all applying to gut feelings and things like that. They are not talking to what it does, they are not talking to the need; they are all saying something tells me that we shouldn't pass this legislation.

Let's just look at one thing, and that is, if you don't pass the legislation, you have the present state law. There is no ceiling on the present state law. The loans on the policies that are written can go anywhere you want. They can go to 8 percent, they can go to 10 percent, they can go to 15 percent, they can go anywhere the market wants to take it, and if the interest rates go up, they are going to follow that curve and they are going to go up and they are going to be frozen right in there and they are going to stay there. If we pass the bill in the form that the bill is in now, you only have that choice of taking it the way it is, you have a cap of 8 per-

cent or you can get into the variable rate and the variable rate is pinned to the Moody's rate, and you at least know where the Moody's rate is going to go and when it is going to do its thing. You will have the opportunity, when you buy your whole life policy, of going either 8 percent or going to variable rate.

So, the bill as it now stands is better than what we have on state law. It is an improvement on state law. State law, you know the old thing, if it is not broken don't fix it, well, something is broken because the rates aren't pinned by the state.

Don't indefinitely postpone this. Let's pass it.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, could I ask the Clerk to read the Committee Report?

Thereupon, the Report was read by the Clerk.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, and Members of the House: I would like to pose a question to somebody on the committee who might answer it. In regard to the Moody's rate that you are talking about, the 2 percent or whatever it goes up, if I had some dividends, would they give me the same thing back on interest or would they mandate that you would only pay 5 percent on that? Would that have a tendency to go up and down too?

The SPEAKER pro tem: The gentleman from Sangerville, Mr. Hall, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: If I understand you correctly, first of all, this won't affect any policies you or anyone else has at the present time. It will only affect future policies that will be written, when you know that you will have this kind of a flexible situation should you have to borrow. What that will mean is, if you choose the Moody rate, which is the bill before us, you will be paying that rate which goes up and down according to these fairly secure certificates which is what the insurance companies would usually be investing your money in anyway. So if you have to borrow it back, you would be paying approximately the same that they would be getting in income from it. This will allow them, when they work dividends, when they plan your premiums, to know that they would be able to earn full money on your money and it would be returned to you in dividends, if it was that kind of a company, accordingly.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, I was only partially answered. The interest on my dividends, would that have a tendency to go up and down also? This is part of my money that the insurance has earned. Will that be set at just one rate; yet, if I want to turn around and borrow I will have to pay a high rate of interest, would I still get the same amount of interest on my dividends?

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

Mr. BRANNIGAN: Mr. Speaker, it is my understanding that it depends on which kind of company you are involved in, whether you are involved with mutual companies, although stock companies also have returns on investments.

First of all, it is going to affect your premiums and it is going to cost you from the beginning. It also will affect your dividends, yes. If you are in a mutual company, your dividends are going up and down, the health of the company will affect that.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and

Gentlemen of the House: I beg to differ with my good friend Mr. Brannigan on his last statement. The interest rate on your dividend is not going to change one bit. It is already set, and no matter what happens, if you have a policy now, if you get 5 percent, 6 percent, 8 percent or what, it isn't going to change one iota.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to get up on this issue today and I realize it has been debated at considerable length, and I rise reluctantly in hopes that perhaps I can simplify; I am going to try.

I think what you need to go back to is, what is a life insurance policy? It is a contract between an insurance company and the insured that insures that person's life. In its simplest form that is the actuarial risk, whatever profit is involved, if it is a stock company and the operating overhead of the company, and when a policy is sold that way, it is sold as term insurance, a pure risk and the premium is very low. But companies sell whole life insurance, which is the general kind, and they sell this on the basis of its investment or savings characteristic. They say if you pay more, you not only will buy life insurance but you will also embark upon a savings plan for you and your family. And on the front of the policy, usually on page one, it doesn't necessarily have to be there, is a table of values called cash surrender values or loan values. They point out to you at the end of each five years or ten years, you will have accumulated this much in savings. They also say to you, if you ever need to borrow, the interest rate will be at this level.

Now, the analogy for this kind of a loan would be a fully collateralized loan at a bank. The best example I can think of is a passbook loan. Say you have got \$500 in a savings account at your local bank and you want to borrow \$500 and you collateralize your passbook, you pledge your passbook. The bank had absolutely no risk and you are going to get a preferred rate of interest because of it. In other words, there is no risk factor at all. If the public interest rate is but 8 percent, on a passbook loan you are going to get it at, let's say, 6. So this is the analogy. It is a fully secured loan of your own money, so you should, when you borrow, get a preferred rate of interest.

Now, as to whether insurance companies' interest rates that they contract with their policyholders for ought to be regulated at all, I would argue, no, don't do it at all. Let the insurance companies compete as to who can offer the best rate to their policyholders. But if we are to regulate that, and apparently we are, then I support the kind of interest rate that reflects the fully collateralized nature of the loan, the preferred nature of the loan. It should be a lower interest rate.

As I understand it, the question here is whether we are going to have a range of interest rates in a higher range, reflected by the Moody rate, or in a lower preferred range that is reflected by treasury bonds. I suggest that you follow the light of Mr. Racine, and I would also suggest that in these matters of life insurance, that we would all do well to listen to Representative Perkins, who has had many, many years of experience in this field and has the courage, I have observed, to do what is right despite past associations with life insurance executives who would have him go another way.

So much for that; I thank you for your attention.

Thereupon, Mr. Pouliot of Lewiston requested a roll call vote.

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. All those in favor of 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 gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have to rise because I am a little bit scared when Representative Leighton and I see eye to eye. I think maybe I made a mistake, but I doubt if I have.

I just want to remind the members of the House, you remember what happened a few minutes ago. The Committee on Business Legislation made a mistake, admitted by the Speaker of the House, the Senate Amendment was killed and the Committee Amendment was killed, and I assure you that they have made a mistake on this one too. Let's kill it.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentleman on the motion of the gentleman from Waterville, Mr. Jacques, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Brown, A.; Brown, D.; Cahill, Clark, Connors, Curtis, Day, Dudley, Fitzgerald, Gavett, Gowen, Hall, Holloway, Jacques, Jordan, Kany, Kiesman, Leighton, Lewis, Lisnik, MacEachern, Macomber, Martin, A.; Martin, H. C.; Masterman, Matthews, McGowan, McHenry, McKean, Michaud, Murphy, Nelson, A.; Norton, Paul, Perkins, Perry, Peterson, Pouliot, Prescott, Racine, Randall, Richard, Ridley, Rolde, Salisbury, Small, Smith, C. B.; Smith, C. W.; Soulas, Stover, Strout, Swazey, Telow, Theriault, Treadwell, Vose, Wentworth.

NAY — Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Boisvert, Bordeaux, Brannigan, Brenerman, Brodeur, Brown, K. L.; Callahan, Chonko, Conary, Connolly, Cox, Crowley, Cunningham, Damren, Davies, Davis, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Erwin, Foster, Fowle, Gillis, Hayden, Hickey, Higgins, L. M.; Huber, Hunter, Hutchings, Ingraham, Jackson, Joyce, Kane, Kelleher, Ketover, Kilcoyne, Lancaster, Livesay, Locke, Lund, MacBride, Mahany, Masterton, McCollister, McPherson, McSweeney, Michael, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Pearson, Post, Reeves, J.; Reeves, P.; Roberts, Sherburne, Soule, Stevenson, Studley, Tarbell, Thompson, Tuttle, Twitchell, Walker, Webster, Weymouth.

ABSENT — Boyce, Carrier, Carroll, Carter, Dexter, Gwadosky, Hanson, Higgins, H. C.; Hobbins, Jalbert, LaPlante, Laverriere, Manning, The Speaker.

Yes, 58; No, 79; Absent, 14.

The SPEAKER Pro Tem: Fifty-eight having voted in the affirmative and seventy-nine in the negative, with fourteen being absent, the motion does not prevail.

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

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

Mr. BRANNIGAN: Mr. Speaker, having voted on the prevailing side, I move reconsideration and ask that you all vote against me.

The SPEAKER Pro Tem: The gentleman from Portland, Mr. Brannigan, moves that we reconsider our action whereby this Bill was passed to be enacted.

Whereupon, Mr. Racine of Biddeford 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 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 gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: So that some of us will be better informed, I hope somebody will table this reconsideration motion for one day. I think it would be wise and people would know more about it a day from now.

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

Mr. BRANNIGAN: Mr. Speaker, I would hope that no one would table this motion. I think we have been over this enough.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, I move this lie on the table for two legislative days.

Mr. Jackson of Yarmouth requested a vote. Whereupon, Mr. Peterson of Caribou requested a roll call vote.

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. All those in favor of 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 pending question is on the motion of the gentleman from Limestone, Mr. McKean, that this matter be tabled for two legislative days pending the motion of Mr. Brannigan to reconsider passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Benoit, Berube, Brodeur, Brown, A.; Brown, D.; Cahill, Carrier, Clark, Conary, Connolly, Crowley, Curtis, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dudley, Fitzgerald, Gavett, Gowen, Hall, Jacques, Kane, Kany, Kelleher, Ketover, Kiesman, Kilmoyne, Lancaster, Leighton, Lewis, Lisnik, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; Masterman, Matthews, McGowan, McHenry, McKean, Michael, Michaud, Mitchell, E.H.; Murphy, Nelson, A.; Norton, Paul, Perkins, Perry, Peterson, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Small, Smith, C.B.; Smith, C.W.; Soulas, Strout, Swazey, Telow, Theriault, Vose, Webster, Wentworth.

NAY—Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Boisvert, Bordeaux, Brannigan, Brennerman, Brown, K.L.; Callahan, Cox, Cunningham, Damren, Dillenback, Drinkwater, Erwin, Foster, Fowlie, Gillis, Hayden, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Joyce, Livesay, Locke, Lund, MacBride, Masterton, McCollister, McPherson, McSweeney, Mitchell, J.; Moholland, Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Pearson, Post, Reeves, J.; Sherburne, Soule, Stevenson, Studley, Tarbell, Thompson, Treadwell, Tuttle, Twitchell, Walker, Weymouth.

ABSENT—Boyce, Carroll, Carter, Chonko, Connors, Dexter, Gwadosky, Hanson, Higgins, H.C.; Hobbins, Jalbert, LaPlante, Laverriere, Manning, Stover, Mr. Speaker.

Yes, 74; No, 61; Absent, 16.

The SPEAKER Pro Tem: Seventy-four having voted in the affirmative and sixty-one in the negative, with sixteen being absent, the motion does prevail.

(Off Record Remarks)

At this Point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would thank the gentleman from Fairfield, Mr. Gwadosky, for acting as Speaker pro tem.

Thereupon, Mr. Gwadosky returned to his seat on the floor of the House and Speaker Martin resumed the Chair.

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

Bill, "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) (H. P. 345) (L. D. 393)

Tabled—April 8 by Representative Pearson of Old Town.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Special Sentiment Calendar

Recognizing:

Dr. Almo J. Sebastianelli, National Vice Commander of The American Legion, who is making a two-day visit to Maine American Legion groups on April 10 and 11, 1981;

There being no objections, the above item was considered passed in concurrence.

(Off Record Remarks)

On motion of Mrs. Ingraham of Houlton, Adjourned until twelve-thirty tomorrow afternoon.