

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Tenth***

***Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 6, 1982 to April 13, 1982**

**INDEX**

**FOURTH SPECIAL SESSION**

**April 28, 1982 and April 29, 1982**

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**FIFTH SPECIAL SESSION**

**May 13, 1982**

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**SECOND CONFIRMATION SESSION**

**July 16, 1982**

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## HOUSE

Wednesday, January 27, 1982

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

Prayer by Pastor Gary Dyke of the North Vassalboro Baptist Church.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Leave to Withdraw**

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Require the Recording of Certain Zoning Actions" (S. P. 752) (L. D. 1755)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

**Later Today Assigned**

The following Joint Order: (S. P. 803)

ORDERED, the House concurring, that Joint Rule 24-A be amended to read:

**24-A. Bills or resolves filed on behalf of the Governor or Chief Justice.** A bill or resolve may be filed on behalf of the Governor or Chief Justice under the name of a member of the Legislature and cosponsors as provided by joint rule or under the title of "President of the Senate" or "Speaker of the House" provided that the bill bears on its jacket the appropriate designation that the bill or resolve has been introduced on behalf of the Governor or Chief Justice.

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage in concurrence and later today assigned.

The following Joint Order: (S. P. 798)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill to fund the Agent Orange Information Committee.

Came from the Senate read and passed.

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

**Messages and Documents**

The following Communication:

**State of Maine  
House of Representatives  
Majority Office  
Augusta, Maine 04333**

January 26, 1982

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Clerk Pert:

In accordance with 1 M.R.S.A., Section 1002, §1B, I have the honor of presenting to the House of Representatives the nomination of Marshall Stern, 113 Birch Street, Bangor, Maine, to the Commission on Governmental Ethics and Election Practices.

I feel Mr. Stern will contribute a great deal to this Commission and respectfully ask the House to confirm this nomination.

Sincerely,

S/ELIZABETH H. MITCHELL  
Majority Floor Leader

The Communication was read and ordered placed on file.

The SPEAKER: Is it the pleasure of the House to confirm the nomination of Marshall Stern to the Commission on Governmental Ethics? In order to confirm the nomination, it requires the affirmative vote of two-thirds of those members present and voting, in accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated. All those in favor of confirmation will vote yes; those opposed will vote no.

## ROLL CALL

YEA—Aloupis, Austin, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McGowan, McHenry, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Racine, Randall, Reeves, J.; Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY—None.

ABSENT—Armstrong, Baker, Brown, K.L.; Carroll, Hayden, Higgins, H.C.; Hunter, McCollister, Michael, Nadeau, Post, Pouliot, Reeves, P.; Richard.

Yes, 135; No, 0; Absent, 14; Vacant, 2.

The SPEAKER: One hundred thirty-five having voted in the affirmative and none in the negative, this nomination is confirmed.

The following Communication:

**State of Maine  
House of Representatives  
Speakers' Office  
Augusta, Maine 04333**

January 26, 1982

The Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Clerk Pert:

In accordance with 1 M.R.S.A., Section 1002, §1B, I hereby notify you that I am appointing Joseph Albanese, Two Lights Road, Cape Elizabeth, Maine, to the Commission on Governmental Ethics and Election Practices.

I feel that Mr. Albanese's experience and background will offer a valuable dimension to the Commission.

Sincerely,

S/JOHN L. MARTIN  
Speaker of the House

The Communication was read and ordered placed on file.

The SPEAKER: Is it the pleasure of the House to confirm the nomination of Joseph Albanese to the Commission on Governmental Ethics? In order to confirm the nomination, it requires the affirmative vote of two-thirds of those members present and voting, in accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated. All those in favor of confirmation will vote yes; those opposed will vote no.

## ROLL CALL

YEA—Aloupis, Austin, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.;

Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McGowan, McHenry, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Racine, Randall, Reeves, J.; Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY—None.

ABSENT—Armstrong, Baker, Brown, K.L.; Carroll, Hayden, Hunter, McCollister, Michael, Pouliot, Reeves, P.; Richard.

Yes, 138; No, 0; Absent, 11; Vacant, 2.

The SPEAKER: One hundred thirty-eight having voted in the affirmative and none in the negative, this nomination is confirmed.

By unanimous consent, the Chair laid before the House the first item of Unfinished Business:

COMMUNICATION re nomination of C. James Allen to the Commission on Governmental Ethics and Election Practices.

Tabled—January 20 by Representative Higgins of Scarborough.

Pending—Confirmation. (affirmative vote of two-thirds of those members present and voting needed in accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated)

The SPEAKER: Is it the pleasure of the House to confirm the nomination of C. James Allen to the Commission on Governmental Ethics and Election Practices? In order to confirm the nomination, it requires the affirmative vote of two-thirds of those members present and voting, in accordance with Title 1, Section 1002 of the Maine Revised Statutes Annotated. All those in favor of confirmation will vote yes; those opposed will vote no.

## ROLL CALL

YEA—Aloupis, Austin, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McGowan, McHenry, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Racine, Randall, Reeves, J.; Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

NAY—None.

ABSENT—Armstrong, Baker, Brown, K.L.; Carroll, Hayden, Hunter, McCollister, Michael, Pouliot, Reeves, P.; Richard.

Yes, 138; No, 0; Absent, 11; Vacant, 2.

The SPEAKER: One hundred thirty-eight having voted in the affirmative and none in the negative, the nomination is confirmed.

The SPEAKER: The Secretary of State's Office will be notified in reference to the confirmation of the three nominees to the Commission on Governmental Ethics and Election Practices by this body.

#### **Petitions, Bills and Resolves**

##### **Requiring Reference**

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

##### **Agriculture**

Bill "An Act to Provide Assistance in the Marketing of Maine Agricultural Products" (H. P. 1900) (Presented by Representative Mahany of Easton) (Cosponsors: Senators Wood of York, Hichens of York and Representative Higgins of Scarborough) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

##### **Appropriations and Financial Affairs**

Bill "An Act to Provide a Data Input and Retrieval System for the Workers' Compensation Commission" (H. P. 1901) (Presented by Representative Beaulieu of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Adjusting Appropriations and Allocations Related to Federal Block Grants for the Department of Human Services and the Department of Mental Health and Mental Retardation for the Fiscal Year Ending June 30, 1982" (Emergency) (H. P. 1892) (Presented by Representative Brannigan of Portland) (Cosponsor: Representative Aloupis of Bangor) Submitted by the Department of Finance and Administration pursuant to Joint Rule 24) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

##### **Education**

Bill "An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District" (Emergency) (H. P. 1902) (Presented by Representative Holloway of Edgecomb) (Cosponsor: Senator Sewall of Lincoln) (approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

##### **Labor**

Bill "An Act to Modify the Base Period for Purposes of Determining Eligibility for Unemployment Compensation Benefits" (H. P. 1903) (Presented by Representative Tuttle of Sanford) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

##### **Tabled and Assigned**

Bill "An Act to Make Additional Allocations from the Regulatory Fund, Public Utilities Commission for the Fiscal Year Ending June 30, 1983" (Emergency) (H. P. 1908) (Presented by Representative Kelleher of Bangor) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) Committee on Public Utilities was suggested.

On motion of Mr. Kelleher of Bangor, tabled pending reference and tomorrow assigned.

##### **State Government**

Bill "An Act to Repeal the Maine Bid Prefer-

ence Law" (H. P. 1904) (Presented by Representative Murphy of Kennebunk) (Cosponsors: Representatives Wentworth of Wells, Tuttle of Sanford and Senator Hichens of York) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

##### **Taxation**

Bill "An Act to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce" (Emergency) (H. P. 1905) (Presented by Representative Higgins of Scarborough) (Cosponsors: Representatives Kelleher of Bangor and Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

##### **Study Report**

##### **Committee on Labor**

Representative Beaulieu from the Committee on Labor to which was referred the study relative to Occupational disease and hearing loss pursuant to H. P. 1629 have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create a Defense of Employee Noncompliance with Safety Procedures under the Workers' Compensation Act" (H. P. 1906) (L. D. 1881) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Labor, 1,600 ordered printed and sent up for concurrence.

##### **Study Report**

##### **Committee on Business Legislation**

Representative Brannigan from the Committee on Business Legislation to which was referred by the Legislative Council the study relative to the Maine Traveler Information Services Act have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Maine Traveler Information Service Act" (H. P. 1907) (L. D. 1882) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Business Legislation, 1,600 ordered printed and sent up for concurrence.

##### **Orders**

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

ORDERED, that Representative Karen Brown of Bethel be excused January 26, 27 and 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard Armstrong of Wilton be excused January 26 and 27 for personal reasons.

##### **Special Sentiment Calendar**

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

Linda Haggerty, of Houlton, selected Maine's Junior Miss for 1982; (H. P. 1894) by Representative Ingraham of Houlton.

There being no objections, the above item was considered passed and sent up for concurrence.

Firefighter Harold Stoddard and Firefighter Stephen Hastings, of the Portland Fire Department, who have been selected as Firefighters of the Year for 1981; (H. P. 1895) by Representative Beaulieu of Portland.

On the request of Mrs. Beaulieu of Portland, the above item was removed from the Special Sentiment Calendar.

Thereupon, the Order was read.

The SPEAKER: The Chair recognizes the

gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: During our last one-day special session, you concurred and agreed to pass a sentiment order commending four members of the Portland Fire Department for above and beyond the call of duty action during a fire in my district which resulted in the saving of the life of a 17-month old child. Since then, those four firefighters, namely John Bellino, Stephen Newcomb, Harold Stoddard and Stephen Hastings have been cited by the City of Portland for bravery and just recently firefighters Stoddard and Hastings have been named firefighters of the year by the Cumberland County Firemen's Association.

Every once in a while some of you tease me unmercilessly at times because of my activities and my promotional work re firefighters. I tend to get sassy once in a while and tell you that I love firefighters because they still make house calls. However, if you get me to talk about it seriously, you all learned that I contend that every firefighter becomes a hero the moment they board a truck and leave that firehouse.

When a firefighter enters a burning building where the temperatures hover at 150 to 220 degrees, where smoke fills rooms and ruins visibility, where gases give off toxic fumes and fire weakens buildings making floors and ceilings unsafe, and wearing 65 pounds of gear, is it any wonder that people like myself do get serious and extremely impressed?

In the Munjoy Hill fire, not only were the be-forementioned conditions in place, but these four men were also placed into a flashback situation and they were in fire from head to toe. And firefighters Bellino and Newcomb found themselves in a heap in the first floor hallway even though the fire was on the third floor.

Firefighter Bellino, for example, for the next year and a half will have to wear special gloves on both hands, the result of skin grafts from his thigh, and firefighter Newcomb was out with burns for over nine weeks.

In our neighboring community of Westbrook, two firefighters, Clyde Chapman and Gregory Peters, also were cited by the association as firefighters of the year. They saved the life of an adult male. Through terrific heat and a smoked filled room with visibility of less than six inches, they located John Sinclair and brought him out to safety.

While all six men I have talked about have said that other firefighters would have behaved exactly as they did, I feel that while we, the citizens, expect firefighters to do their job of saving lives and property, that these public servants did theirs under extremely hazardous situations and at risk above and beyond the call of duty.

Mr. Speaker, all of those six men are present today with Chief Winslow from the Portland Fire Department, they are in the balcony and I would ask that they be introduced to my fellow legislators.

Thereupon, the firefighters were asked to stand to accept the greetings of the Maine House of Representatives. (Applause)

The Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Delta Tau Delta Fraternity, named the Outstanding Fraternal Organization at the University of Maine — Orono, for 1981; (H. P. 1896) by Representative Diamond of Bangor. (Cosponsors: Representatives Davies of Orono, Gavett of Orono and Senator Devoe of Penobscot)

Kevin and Konrad Martin, seniors at Bangor High School and members of the Bangor Pride Swim Team for their numerous and distinguished awards in swimming and diving; (H. P. 1898) by Representative Tarbell of Bangor.

January 30, 1982 which marks the 100th anniversary of the birth of President Franklin D.

Roosevelt; (H. P. 1899) by Representative Mitchell of Vassalboro. (Cosponsors: Representatives Martin of Eagle Lake, Jalbert of Lewiston and Senator Conley of Cumberland)

Waterville Sports Director Bob Woodbury, who has been named sportscaster of the year by the National Sportscasters and Sportswriters Association; (S. P. 799)

There being no objections, these items were considered passed.

#### In Memory of:

The Honorable Camille V. Bedard, of Saco, who served with great distinction as a member of the 100th, 101st, 102nd, 103rd, 104th and 105th Legislatures of this State; (H. P. 1897) by Representative Hobbins of Saco. (Cosponsors: Representatives Roberts of Buxton, McSweeney of Old Orchard Beach, Martin of Eagle Lake and Senators Kerry of York and Wood of York)

On the request of Mr. Hobbins of Saco, this item was removed from the Special Sentiment Calendar.

Thereupon, the Resolution was read and adopted.

On motion of Mr. Hobbins of Saco, the House reconsidered its action whereby the Resolution was adopted.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I do not feel that I could let this Resolution pass without asking us to reflect upon an individual who was a former colleague of ours who passed away on November 20, 1981, at the young age of eighty-nine.

Camille Bedard was one of Saco's finest citizens and one of the state's most dedicated public servants. He served with honor during the 101st, 102nd, 103rd, 104th and 105th Legislatures.

I received from Camille Bedard back in 1972 one of the things that I will cherish forever, and that was, I received the faith and confidence from Mr. Bedard to openly endorse my candidacy for my election for the first time at the ripe age of 20.

The reason I mentioned earlier that Camille died at a young age of eighty-nine is because chronologically Camille was eighty-nine years old but anyone who knew him, I know many colleagues here in this chamber who served with him can tell you that he had a great faith and confidence in the youth of our state.

He also was a man of common sense. He was not educated through formal education or receive his degree from hard knocks more than he received any type of academic degree from any school, but it was that sheer common sense and sense of commitment to the working people of our state that I feel made him a unique individual and someone who the state will miss in the years to come.

Before I took my seat in the Legislature, he told me, "There is one thing you must remember in your service to the state of Maine, and that is, you put the state first and yourself second." That is one little lesson I think all of us, upon reflection, realize is what it takes to be a dedicated public servant.

Camille Bedard had an interest in politics that went back to the early 1920's as an early labor organizer. He was an individual who served in the Labor Committee not because he wanted to warm a chair but because he had a deep commitment in the labor movement and for ensuring the rights of working people. He served on the City Council in the city of Saco and was very active in many social service organizations, and I am proud to say that his niece, Deborah Bedard Wood, is our Assistant Clerk of the House.

I would hope that all of us can reflect upon the accomplishments of such a dedicated public servant and when the House adjourns, I hope we do so with respect for Camille Bedard.

Thereupon the Resolution was adopted and

sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Passed to Be Enacted Emergency Measure

An Act to Provide Emergency Powers to the Superintendent of the Bureau of Banking to Expedite Mergers and Consolidations of Financially Troubled State-chartered Financial Institutions (H. P. 1808) (L. D. 1793) (C. "A" H-580)

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

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

Mr. McHENRY: Mr. Speaker, I would like to pose a question through the Chair. I would like to know what this bill does. Is it going to start a conglomerate through the banking industry of the state of Maine? I wonder if it is necessary? Is that six-months waiting period for a merger such a hard task for the banking industry to take care of? I am sure that the banking industry can see six months ahead of time. I can't see the reason for this. The only reason I think this would be necessary is to start creating conglomerates in the banking industry.

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, 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: Mr. Speaker, Men and Women of the House: This bill does not deal with ordinary mergers or mergers with the normal course of business in the banking industry. This deals only in an emergency situation, and I use the word emergency in a very formal manner. It would only take place when the superintendent of the Bureau of Banking and his staff made a formal finding that an emergency existed in a situation where a bank was in difficulty, and it was necessary for the merger to take place and to take place immediately in order to save the depositors and the members of that bank. It would not bypass other procedures other than the waiting period. It would not bypass the decisions of the boards of directors and so forth. It would merely bypass the long notice and waiting periods that are required in a normal merger and will continue to be required in a normal merger.

I would also point out that this has nothing to do with a bill that will come along later dealing with out-of-state situations. This is only in the normal course of our own banking industry but in those situations only where there are emergencies and emergencies that are found formally by the Bureau of Banking.

This is a very important piece of legislation in a very isolated case where we must protect the depositors of a particular bank.

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

Mr. McHENRY: Mr. Speaker, I would like to pose another question through the Chair. I would ask if any such emergency has ever occurred in the state of Maine and if so, where?

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, has posed another question through the Chair to the gentleman from Portland, Mr. Brannigan, who may respond if he so desires.

The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: There are 16 independent banks in the state of Maine. The one in Augusta that was organized in 1971 is in trouble. It hasn't broken even financially. This bill will let them merge with banks outside of the state; there is quite a restriction there.

There are emergencies. A good portion of the

small banks are suffering in this high interest rate period of time. This is a good piece of legislation. It has nothing to do with individual accounts or banking procedures, it is just to allow larger banks to merge soon enough to save a small bank from being taken over by the F.D.I.C. or going bankrupt.

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

Mr. BRANNIGAN: Mr. Speaker, Members of the House: Because this has not been in effect at this point, it has not been used, we have only come, fortunately, into situations like this very recently. The toll of the high interest rates of the last few months, in the last year or so, are taking their toll and banks have been very reluctant to even think about having to be in an emergency situation; I am reluctant to think about them. There are banks right now that are waiting and need this kind of legislation within the next few weeks.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

123 having voted in the affirmative and 2 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Emergency Measure

An Act Converting West Forks Plantation into the Town of West Forks (H. P. 1784) (L. D. 1774)

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. 131 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Orders of the Day

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act to Establish the Uniform Take-over Act" (S. P. 778) (L. D. 1846) — In Senate, referred to Committee on Judiciary.

Tabled—January 21 by Representative Mitchell of Vassalboro.

Pending—Reference in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I move this matter be tabled one legislative day pending reference.

Subsequently, Mr. Hobbins withdrew his motion to table for one day.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Members of the House: To enlighten fellow members of my actions, there is another bill which will be presented to the Legislative Council by the Senate Chair, Senator Devoe, and myself which deals basically with the same area as the contents of the title. However, the draft of the bill does not reflect the same title as what the title of the bill intends, and therefore I withdraw the motion and move the indefinite postponement of this bill and all its accompanying papers.

Thereupon, on motion of Mr. Hobbins of Saco, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

#### Bill Held

Bill, "An Act to Amend the Charter of the East Eddington Public Hall Company" (S. P. 792) (L. D. 1868) — In House, Referred to Committee on Legal Affairs in concurrence on January 26.

Held at the request of Representative Post of Owl's Head.

On motion of Mrs. Post of Owl's Head, the House reconsidered its action whereby this Bill was referred to the Committee on Legal Affairs in concurrence yesterday.

On further motion of the same gentlewoman, the Bill was referred to the Committee on Taxation in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

JOINT ORDER (S. P. 803) re amending Joint Rule 24-A — which was tabled and later today assigned pending passage in concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: As you know, when the House proposes a change in the House Rules, they are automatically tabled one day to give the House an opportunity to take a close look at that rule to make sure they know how they wish to vote. It is not true in the case of Joint Rules, but at least you have had until later in today's session to look at this particular rule.

It is a rule change of little or no consequence because it was the understanding of most people that any Governor's bill could be sponsored by anybody without such a designation as Governor's Bill, so forth and so on. Take a look at 24-A, in dark print you will see the minute change that is being made. It is done in the spirit of cooperation, although many of us felt that the rule was quite clear on its face without this change; however, it does no harm and I urge your support on this rule change.

The SPEAKER: This amendment to the Joint Rules requires a two-thirds vote. If you are in favor of the Order receiving passage in concurrence you will vote yes; those opposed will vote no.

A vote of the House was taken.

117 having voted in the affirmative and 6 in the negative, the Order received passage in concurrence.

(Off Record Remarks)

On motion of Mr. Norton of Biddeford.

Adjourned until ten o'clock tomorrow morning in memory of The Honorable Camille V. Bedard of Saco.