

# 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**

**INDEX**

**FIFTH SPECIAL SESSION**

**May 13, 1982**

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**SECOND CONFIRMATION SESSION**

**July 16, 1982**

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## HOUSE

Wednesday, February 10, 1982

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

Prayer by Pastor Leroy C. Pinkham of the Steuben Union Church.

The journal of yesterday was read and approved.

**Papers from the Senate  
Non-Concurrence Matter  
Tabled and Assigned**

Bill "An Act to Create Manpower Distribution Incentives in the Fields of Medicine, Dentistry, Optometry and Veterinary Medicine" (H. P. 1948) (L. D. 1925) which was referred to the Committee on Education in the House on February 4, 1982.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On Motion of Mr. Connolly of Portland, tabled pending further consideration and tomorrow assigned.

**Messages and Documents**

The following Communication:

Maine Turnpike Authority  
17 Bishop St. — Portland, Maine  
February 3, 1982

Hon. Joseph E. Brennan  
Governor, State of Maine  
Hon. Joseph Sewall  
President of the Senate  
Hon. John L. Martin  
Speaker of the House  
Gentlemen:

On June 19, 1981, the last day of the first session of the 110th Legislature, the Legislature enacted and the Governor subsequently approved LD 1691 — legislation to provide funding for the State's highway program. (This bill was entitled AN ACT to make Allocations from the Highway Fund and Appropriations from the General Fund for the Fiscal Years Ending June 30, 1982, and June 30, 1983; to Establish a local Road Assistance Program; to Continue the Maine Turnpike Authority; and to Adjust Highway Fund Revenue.)

Part D of LD 1691, now identified as Chapter 492 — Public Laws of 1981, contains provisions relating to the future of the Maine Turnpike and also several provisions expressing the intent of the Legislature relating to the objectives of the Maine Turnpike Authority.

The Authority, recognizing its responsibilities in this regard, did authorize as of the effective date of the act, procedures for the selection of a Consulting Engineer to review the toll schedules in effect on the Turnpike and to develop information relating to revenues and the cost of maintenance and operations for the purpose of carrying out the provisions of Chapter 492.

This report is being made to advise you of the results of the efforts of the Maine Turnpike Authority to cooperate with the Governor and the Legislature in developing a plan to implement the provisions of Chapter 492.

The members of the Maine Turnpike Authority are hopeful that information contained in the report will —

- assist the Governor in making a determination as to whether or not he wishes to place before the Legislature proposed legislation developed by Legal Counsel\* for the Authority which provides the basis for implementing the plan proposed by the Authority; and
- provide information to the members of the Legislature explaining the plan by the Maine Turnpike Authority to implement Chapter 492.

If there are questions in regard to the report, the Authority would be pleased to attempt to answer such questions.

Very truly yours,

S/HAROLD T. WILEY, Chairman  
Maine Turnpike Authority

The Communication was read.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Before we place the report on file, I just wanted to draw your attention to it because I think it is one of the more interesting documents and it is rather small. I just hope you would have an opportunity to read it.

One section that I think is of particular importance is the fact that this commission is making a recommendation that we amend our law that we passed last year dealing with the Maine Turnpike Authority, and as I was reading it over last night, I was surprised to see that rather than continue with what we adopted relative to the Turnpike Authority in turning over \$4.7 million a year, or 25 percent of their revenues, which is what we intended to do with the legislation we passed last June, they are now saying that they would like to turn over just \$4.7 million, which would leave the highway fund even shorter than what we had planned down the road.

Before we placed this on file, I just wanted to bring that to your attention. I think you should read it over. There are some other changes in there, but that is one of the more significant ones, and I think you will find it on your desks. It is pretty good reading.

Thereupon, the Communication and accompanying report were ordered placed on file.

**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:

**Education**

Bill "An Act to Provide for the Direct Election of Community School District School Committees" (Emergency) (H. P. 1983) (Presented by Representative Smith of Island Falls) (Cosponsor: Senator Carpenter of Aroostook) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Relating to State Entitlement of Certain School Administrative Districts" (H. P. 1984) (Presented by Representative Rolde of York) (Cosponsors: Senator Perkins of Hancock and Representative Martin of Brunswick) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act to Incorporate the Farmington Falls Water District" (Emergency) (H. P. 1985) (Presented by Representative Webster of Farmington) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

**Study Report  
Committee on Labor**

Representative Beaulieu from the Committee on Labor, to which was referred the Study Order relative to Occupational disease and hearing loss, pursuant to Joint Order 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 Revise the Workers' Compensation Laws Relating to Occupational Hearing Loss" (H. P. 1981) (L. D. 1952) 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, ordered printed and sent up for concurrence.

**Study Report  
Committee on Marine Resources**

Representative Fowlie from the Committee on Marine Resources to which was referred the Study Order relative to the Regulation of Atlantic Salmon pursuant to H. P. 1693 have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning the Regulation of Atlantic Salmon" (H. P. 1986) (L. D. 1953) be referred to the Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the bill referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

**Orders**

On motion of Representative Mitchell of Vassalboro, the following Joint Order: (H. P. 1987)

ORDERED, the Senate concurring, that Joint Rule 32 be amended as follows:

32. **Form.** All bills and resolves, including initiated bills, shall be corrected as to matters of form and allocation to the Revised Statutes by the Director of Legislative Research before printing.

The Order was read.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: This is a rule change to bring our Joint Rule into compliance with an Attorney General's opinion.

We already have the authority as a legislative body to have the Legislative Director make changes to form, not substance but just to form, like a section number in a piece of legislation. It was not clear that our Joint Rule was also talking about initiated bills and petitions, and if someone starts an amendment to the statutes on petition drives and then we change the statute number, then the petition comes in and it is not up to date to form.

This rule change would allow the Legislative Director to simply change a section number to make sure that the petition drive bill was also acceptable. That is all the rule change does.

The SPEAKER: The Chair will order a vote. This requires a two-thirds vote of all the members present and voting. All those in favor of the Order receiving passage you will vote yes; those opposed will vote no.

A vote of the House was taken.

122 having voted in favor of same and none against, the Order received passage and was sent up for concurrence.

**Special Sentiment Calendar**

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

Pam Gee, a senior and honor student at Nokomis High School in Newport, who is the first student to score over 1000 points in 4 years of basketball as a Nokomis Warrior; (S. P. 834)

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

Timothy Reed, of Augusta, Troop 603, who has attained the high rank and distinction of Eagle Scout; (H. P. 1982) by Representative Paradis of Augusta. (Cosponsors: Senator Bustin of Kennebec, Representatives Hickey of Augusta and Lund of Augusta)

On the request of Mr. Paradis of Augusta, was removed from the Special Sentiment Calendar.

Thereupon, the order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**Consent Calendar  
First Day**

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

(H. P. 1931) (L. D. 1914) Bill "An Act to

Exempt the York Water District from the Revised Statutes, Title 35, chapter 262, Relating to Local Control of Water Districts in Existence Prior to January 1, 1982" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-590)

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

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I call your attention to an amendment, filing number H-590, that is on your desks. This has replaced the bill that was brought by Representative Rolde from York to deal with a problem that became apparent with his Water District and which affects a couple of other water districts in the State.

As some of you remember, we made some major changes in the regulation of water districts during the last session of the legislature to take effect back in January. In the process of doing that, we inadvertently caught a couple of water districts who had already established projects and had financed them, at least in part, which would have been adversely affected by that law going into effect.

The committee felt and the attorney general felt that there was no problem with the law. Unfortunately, York Water District has to go out to sell bonds, and bond counsel felt that there was some inconsistency in the law. What this amendment does is it addresses that inconsistency that is seen by bond counsel which would prevent York Water District and the Kittery Water District and one or two other water districts from being able to go out to the bond markets and sell bonds to obtain funds to complete projects that are already under construction. This amendment will deal with that problem and resolve it once and for all.

We need to expedite this matter because York would like to go into the bond market tomorrow. So I am going to ask the Speaker if we could expedite this through the process and send it to the Senate forthwith so that we may be able to enact this into law and sent it to the Governor today.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-590) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Consent Calendar Second Day

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

(H. P. 1812) (L. D. 1797) Bill "An Act to Permit the Attorney General to Authorize his Deputies to Act in his Place in Certain Situations"

(H. P. 1724) (L. D. 1709) Bill "An Act to Clarify and Make Corrections in the Labor Laws of Maine"

(H. P. 1841) (L. D. 1836) Bill "An Act Regulating the Taking of Mahogany Quahogs"

(H. P. 1768) (L. D. 1758) Bill "An Act to Permit the Town of Mechanic Falls to Withdraw from the Group Life Insurance Program under the Maine State Retirement System" (Emergency)

(H. P. 1753) (L. D. 1743) Bill "An Act to Amend the Employment Security Law to Include Federal Requirements and Other Options Available to the State" (C. "A" H-588)

(H. P. 1892) (L. D. 1884) 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)

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

#### Orders of the Day

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

Bill, "An Act to Increase the Salary of the Governor" (H. P. 1951) (Committee on State Government suggested)

Tabled—February 4 by Representative Pearson of Old Town.

Pending—Reference.

On motion of Mr. Pearson of Old Town, the Bill was indefinitely postponed and sent up for concurrence.

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

Joint Resolution in Favor of Additional Natural Gas Supplies for the State of Maine (H. P. 1957) (L. D. 1930) (Report from Committee on Public Utilities Accompanying Joint Resolution read and accepted on February 9, 1982)

Tabled—February 9, by Representative Davies of Orono.

Pending—Adoption.

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

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: As a result of the Natural Gas Subcommittee, we have found that natural gas is a clean, efficient fuel secure from OPEC embargo and presently priced below oil. It provides 25 percent of the U.S. energy supply but less than one percent in Maine. We have an opportunity to get more natural gas. The proposed New England states' pipeline would bring 300,000 MCF per day of Canadian gas to New England beginning in 1984.

There would be 230 miles of pipe in Maine from Calais to Rochester, New Hampshire, but there is no guarantee that the pipeline will be built or that we would receive any gas from it.

The purpose of this Joint Resolution is to support the pipeline but only if environmental concerns are satisfied and a fair share of the gas is delivered in Maine.

Just 10 percent of the new gas would more than double our present supply and help the state substantially.

The resolution calls for the PUC and the Office of Energy Resources to intervene in the pipeline permit proceedings in Washington to protect the state's interest. This is already under way, and the resolution calls for the Joint Standing Committee on Public Utilities to review the statutes on natural gas lines in case they need to be updated to match the new situation.

More information is available in the report of the Natural Gas Study Committee. It will take some hard bargaining to get what Maine needs from the new gas pipeline, but we are optimistic.

The New England states' pipeline is a \$600 million project, of which \$400 million will be spent in the State of Maine; \$7 million will be generated in new tax revenues each year. I would appreciate your support of this resolution.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this body to pass this resolution today because it is important that the legislature have oversight of the development that is going on with this pipeline. It is important that the interests of the State of Maine be known as this development proceeds.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate the work

that the committee has done on this, and I have read the study report, but what is troubling me on this joint resolution that we are attempting to adopt here today is that we simply don't have it in front of us. I was a little concerned yesterday because I have never seen a committee report come back with a recommendation that a joint resolution be adopted, or, if it has, it never has been printed in bill form to my knowledge, and that is what happened yesterday with two or three others. There will be public hearings on a joint resolution and then I suppose we will have to make a decision on that.

Now, I don't have any particular problem with this study or with the way it was carried out or what they are attempting to do here. I think it is well founded. My concern is that we are going to be asked to vote on a resolution in support of something that as yet we have not seen.

Most of you know that when a joint resolution comes before this body, it is printed in our calendar and we can see what it says and then we can vote yes or no. That is not the case in this particular issue. Therefore, I intend to vote against this just simply for that reason. I think it is a bad precedent to start adopting joint resolutions no matter how good they are, how well intended they are, and I don't mean to cast aspersions on their intent. I am just simply saying that I think it is a bad precedent to start, for this legislature to adopt that sort of a procedure without us having the ability to see what we are voting for or against. For the lack of not having that in front of us, I intend to vote against this and I would ask for a division.

The SPEAKER: The Chair would advise the gentleman from Scarborough, Mr. Higgins, that the resolution is before the members. It is L. D. 1930. It has been distributed and was on your desks yesterday, and if it is not in your legislative documents, then someone has failed to do their job.

The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: As the Speaker has just pointed out, it is L. D. 1930, it should be in your L. D. books. It is a very short resolution, it takes up less than both sides of one page.

I would supplement the comments that have been made by Representative McGowan, who chaired the subcommittee, and Representative Cunningham, who is a member of that committee, to point out the fact that it is rather unusual for a state like Maine, who has been struggling with energy questions since 1973 in trying to establish a reliable source of energy that is as nonpolluting as possible, that is as free from foreign interference as possible, and we suddenly find ourselves with an opportunity that could reach fruition in 1984 that offers us the possibility of greatly expanding the source of a clean, relatively inexpensive energy, namely natural gas, which we currently rely on for less than one percent of our total energy supply in the state, which could increase our energy supplies by more than 7 percent, expand our use of natural gas to better than 7 percent.

The benefits are tremendous, but if we don't act promptly, before the decisions are made by the Federal Regulatory Commission in establishing allocations of gas to the companies that are participating in the pipeline project that will be coming through the State of Maine, we may find ourselves hosting 230 miles of gas pipeline and receiving nothing more than the property taxes for the land that they are using. The reason why is that there are about 14 companies that are going to be sharing in this gas, they are going to be allocating the amount that comes through the pipeline according to their demands. If we do not act promptly to establish a clear interest on the part of businesses and industries and residential customers in the State of Maine, we will have no evidence that we can go to the Federal Regulatory Commis-

sion with to say, here's the evidence, we know that we can use a share of the gas.

Another example that is related to this is the dealings with electric transmission lines. It has become the policy in New England and elsewhere in the country that when a state hosts an electric transmission line, they get a share of the electricity that will be transmitted over those lines because they are acting as the host of the line. We would like to see that same policy instituted pertaining to gas pipelines.

Both the Public Utilities Commission and the Office of Energy Resources are actively pursuing this, but without this resolution, without the strong support of the Maine Legislature to back up their efforts, we may find ourselves in an extremely weak position going before the Federal Energy Regulatory Commission to make our case that we can use the gas more so than we are using it right now, so we can go in and ask for up to 10 percent of the total gas that will be flowing through that pipeline. And the benefits that will accrue to the State of Maine are counted not in thousands, not in hundred thousands, but in millions of dollars saved for Maine energy users. This is an opportunity for you to go back to your constituents and say that we have taken significant action that in a matter of three years will begin producing results of tremendous benefit to the entire State of Maine.

I urge you to support this resolution and vote for its passage.

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

Mr. WEYMOUTH: Mr. Speaker and Members of the House: I would just like to add one thing to Representative Davies. If we don't act now, the pipeline is going to be built and there is a market down south for every bit of this gas. If we don't get in on this, the gas is going to go through our state and going to go to the other states.

I think the business world out there needs this gas. It is a chance for us to have another alternative fuel. As a member of that committee, I think this is a good joint resolution and I would urge that everybody vote for it.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I don't disagree with anything that has been said by the proponents of the resolution. I just stand to back up my leader in the left-hand corner because I, too, looked for L.D. 1930 and didn't find it on my desk or in my belongings and I just wonder if there are others who did not. I just wanted to stand to say that he's not the only one that hadn't seen this L.D. It is nowhere on my desk.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you do support this joint resolution.

Last month, there was an informational session with many people from Bangor, Augusta, Lewiston, Portland, that was held here at the Holiday Inn in Augusta. I was very fortunate to have been invited; I was the only legislator who attended this. Immediately after the session, I sent all the material that I was able to gather at this meeting to Washington so that our Congressional delegation could get in on it because FERC, the Federal Energy Regulation Commission, would like to make a decision by today, in fact, and we don't have much time.

There is a preferred route that is on the mapping which passes close to all the Maine communities coming down from up north. There is also an alternate route which puts all the gas pipeline quite a distance from all these Maine communities, such as Augusta, Lewiston, and Bangor, and we would be remiss in our duties if we did not fight for the preferred route, for one thing, also fight for the allocation which we may get.

The companies involved, one of the larger ones are Bay State Gas and Algonquin, who is the PR company who is doing the work, the up front work on this. They would like to pipe everything through the State of Maine down to Haverhill, connect it to the pipeline that comes back up to Lewiston, charge all the difference of the cost of the pipeline down to Haverhill back to the people in the State of Maine and then pipe that to Lewiston or whatever community would like it at a minimum cost of a quarter of a million to half a million dollars a mile. There is no way that Maine, Augusta or Bangor could ever afford to have the natural gas pipeline use at that cost, you just couldn't afford it, so only the southern part of the state up to Lewiston would have the benefit of that and they would pay the higher price for piping the gas all the way down to Haverhill, piping it back up through the Bay State gasline up to Lewiston and paying all that extra cost again. That has been around for a year or so, so anyone who hasn't seen that information hasn't paid attention to the information.

I think we definitely need to look at it. FERC is making a decision on it today. Hopefully, the information that was sent down to Washington to our Congressional delegation has been on top of it and maybe they can delay the decision. So I sure hope that we will take the initiative also and start looking into it and work for the people of Maine in this area.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I sponsored the original bill a couple of years ago to provide this opportunity for Maine also this company to go through the state. At that time, myself and Mr. Davies sought to put on the legislative record the intent of what this House and the other body wanted to do in regards to this particular venture.

I wholeheartedly support Mr. McGowan's and Mr. Davies' position this morning to simply guarantee that the State of Maine has an absolute input and some control in the operation of this pipeline that is going through the state.

I wholeheartedly agree with Mr. LaPlante's comments a few moments ago. I think it is imperative for this body to take action this morning.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Just so there's not any misunderstanding, I have no problem with the substance, it's not the substance of this that bothers me, it's the form. I have yet, in my tenure here, to see a resolution brought in bill form as a recommendation of a study order from the committee and then attempt to adopt it on the floor of the House without the others that we talked about yesterday, and there were two or three others from the Public Utilities Committee that are going to have public hearings.

I just feel uneasy. Yes, I see it, I have read it over, I read it over when I got the study report a couple or three weeks ago. What troubles me is simply that it is not being presented in the same form that it has been presented in the past. I have some serious concerns with that. It's not the substance, it's not the materials, it's just the way it's being accomplished and I would hate to see the legislature start on this process and feel like every time we had a study committee, we had to have a study committee report and if they couldn't find any legislation to draft, then all of a sudden we have got to turn around and draft a joint resolution and have it adopted and go through all that shadow-boxing sort of thing and find out that we really haven't accomplished anything.

If it's substantive and needs a law change, fine. If it doesn't need a law change, it needs a resolution, let's bring it in, put it on the calen-

dar like everybody else has to and let it go at that.

The SPEAKER: The Chair will order a vote. The pending question is on adoption of the Joint Resolution. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

119 having voted in the affirmative and 15 having voted in the negative, the Resolution was adopted.

Sent up for concurrence.

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

Bill, "An Act Concerning Annuity Agreements with the University of Maine" (S. P. 751) (L. D. 1754)

Tabled—February 9, 1982 by Representative Brannigan of Portland.

Pending—Passage to be Engrossed.

Mr. Brannigan of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-591) was read by the Clerk and adopted.

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

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

HOUSE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (H-584) — Committee on Business Legislation on Bill "An Act to Clarify the Deposit Authority and Conversion Procedures of Savings and Loan Associations" (H. P. 1773) (L. D. 1763)

Tabled—February 9, 1982 by Representative McHenry of Madawaska.

Pending—Acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-584) was read by the Clerk.

Mr. McHenry of Madawaska offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-586) was read by the Clerk and adopted.

Mr. Brannigan of Portland offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "C" (H-589) to Committee Amendment "A" was read by the Clerk and adopted.

Mr. McHenry of Madawaska offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-587) was read by the Clerk.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to explain briefly what this does.

Prior to 1975, the conversion of mutual savings was not allowed at all because of federal regulation. Since 1975, they have been deregulated. They had set up a method of converting from mutual savings to stock savings. The setup was that they had to have two-thirds of all eligible voters of that savings and loan institution voting and prior they had allowed a proxy vote of every member and they needed two-thirds of everyone. Now this bill which we are considering, Committee Amendment "A" says that the proxy vote will not be counted, you must be there in person and voting, and all people that are not present and voting will be considered in the affirmative, as voting in the affirmative for that two-thirds. Well, I say if I were a voting member, I wish to be voting and I am in the hospital, I think I should have that right. I am not going to take an ambulance to go vote. If I happen to be in Europe, I believe I should have that right to vote if I feel that con-

verting from a mutual savings to a stock holding. I feel it is not a proper step to take. I should be allowed to vote no. That's all I am doing. I am giving those people a chance to vote no.

I understand it's very hard to get people to vote, but at least I'm saying that those who do not wish to vote, those who do not wish to attend that meeting, those that do not wish to return that proxy will be considered in the affirmative. It is not an extra cost to the banks because presently they have to mail out to everyone when they want to convert. It's next to impossible. I understand that. At least let the person who cannot attend vote by proxy.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Representative McHenry brought this issue to our attention as soon as the bill came to the floor on whether or not someone could vote in the negative by writing. It was a question that had not come up at the hearing and had not come up during our work session, and so the committee reconvened in work session on this particular issue, discussed it with Mr. McHenry, discussed it with our commissioner, the superintendent of banking, and after considering it decided the best way for us to proceed is the way that the bill had been presented by the committee.

We feel, and the thing that was most convincing to me and I think other members of the committee was, if someone wishes to present a negative vote when such action as this is taken, they would best do it by presenting themselves to the superintendent when he has to make a decision, and they may do that either in person or in writing. So they have the opportunity to do it in writing if they are not able to be there and they have the opportunity to do it at the place where it means the most, and that is with the superintendent of banking during regulatory hearings.

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 why these things are being rammed down our throats. I feel it is. Maybe I am wrong. I hope I am wrong. We are talking about merging banks, we are talking about conversion of banks and the next thing you know we are talking about out-of-state banks taking over. I feel the next thing you know the small business people, the small people, will not be able to borrow money because the big banks are going to be controlling everybody. What is the advantage of going from a mutual savings to stockholding? Could you tell me that? To me it is a riskier business.

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I would answer the question of why we are ramming things down people's throats — certainly my committee and myself intend in no way to ram things down people's throats. Mr. McHenry agrees with the intent of this bill, that the affirmative vote does not have to be gotten from every little mutual owner of a bank, which means anybody, whether they have \$5 in the bank or \$500 or \$5,000. Each one of them would have to vote, two thirds of them would have to vote in the affirmative, written in order for this procedure to take effect.

This procedure was passed by this body under the banking code in 1975. If some mutual bank wants to shift to being a stock bank, that is a banking decision of great importance, I am sure, to them, and this allows them to do it and the issue here is an amendment dealing with a negative vote, which I have just explained.

Mr. Racine of Biddeford requested a division.

Mr. McHenry of Madawaska requested a roll call.

The SPEAKER: 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, 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 adoption of House Amendment "B" to Committee Amendment "A". Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Beaulieu, Berube, Boisvert, Brodeur, Brown, A.; Callahan, Carroll, Carter, Chonko, Connors, Connolly, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Hall, Jackson, P.C.; Jalbert, Joyce, Kiesman, LaPlante, Laverriere, Locke, Mahany, Martin, A.; McCollister, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nelson, M.; Norton, Paul, Pearson, Peterson, Reeves, P.; Roberts, Rolde, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Strout, Theriault, The Speaker.

NAY—Aloupis, Armstrong, Austin, Baker, Bell, Benoit, Brodeaux, Boyce, Brannigan, Brennerman, Brown, D.; Brown, K.L.; Clark, Conary, Cox, Cunningham, Curtis, Damren, Davis, Dillenback, Drinkwater, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadnosky, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jacques, Jordan, Kane, Kelleher, Ketover, Kilcoyne, Lancaster, Lewis, Lisnik, Lund, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McGowan, McPherson, Moholland, Murphy, Nadeau, Nelson, A.; O'Rourke, Paradis, E.; Paradis, P.; Perkins, Perry, Post, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Salisbury, Small, Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Tuttle, Twitshell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT—Cahill, Carrier, Day, Dexter, Hanson, Hayden, Holloway, Kany, Livesay.

Yes, 49; No, 91; Absent, 9; Vacant, 2.

The SPEAKER: Forty-nine having voted in the affirmative and ninety-one in the negative, with nine absent, House Amendment "B" to Committee Amendment "A" is not adopted.

Thereupon, Committee Amendment "A" as amended by House Amendments "A" and "C" thereto was adopted and the Bill assigned for Second Reading tomorrow.

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

#### Passed to Be Enacted Emergency Measure

An Act to Clarify the Application of the Maine Water District Act to Existing Water Districts (H. P. 1931) (L. D. 1914)

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. 138 voted in favor of same and one 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 to the Senate.

#### (Off Record Remarks)

Mrs. Kany of Waterville was granted unanimous consent to address the House.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to be on the record to be recorded as being in favor of

House Amendment "B" with a filing number of H-587 to L.D. 1763. I wish to be recorded as voting in favor of that amendment now that I have had a chance to read it.

Secondly, as a member of the Public Utilities Committee but not as a member who served on the Natural Gas Subcommittee, I would really like to compliment that subcommittee in that not too distant look at what they were doing. Representative McGowan chaired that subcommittee and because of the leadership of Representative McGowan and the cooperation of the committee members, including Representative Bordeaux and Representative Ridley and Representative Davies and Representative Cunningham, they actually, I am sure, saved the people of Maine from what was a potential problem in that it was my understanding that the company had no intention of allowing any of that gas to be siphoned off for Maine use. I would really like to compliment them and I, for one, appreciate the time and the effort and the thorough look that they gave to that issue.

Mr. Day of Westbrook was granted unanimous consent to address the House.

Mr. DAY: Mr. Speaker, Members of the House: Some of my seatmates say my vote was not recorded on the baking amendment and I wish to be recorded as no.

On motion of Mr. Davis of Monmouth, adjourned until ten o'clock tomorrow morning.