

# 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**

Tuesday, March 30, 1982

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

Prayer by the Reverend John McNeil of the East Winthrop Baptist Church.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:

**Senate of Maine  
Augusta**

March 29, 1982

The Honorable Edwin H. Pert  
Clerk of the House  
110th Maine Legislature  
State House  
Augusta, Maine 04333  
Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Adjust Fees for Licenses issued by the Real Estate Commission", (H. P. 1809) (L. D. 1794).

Senators:

SUTTON of Oxford  
SEWALL of Lincoln  
CLARK of Cumberland

Respectfully,  
S/MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Study Report  
Committee on Health and Institutional  
Services**

Representative Nelson from the Committee on Health and Institutional Services to which was referred by the Legislative Council the study relative to Providing Appropriations to the Department of Human Services and the Department of Mental Health and Mental Retardation have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Appropriations to the Department of Human Services and the Department of Mental Health and Mental Retardation" (H. P. 2268) (L. D. 2115) be referred to the Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

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

By unanimous consent, ordered sent forthwith to the Senate.

**Orders**

On motion of Representative Higgins of Scarborough, the following Joint Order: (H. P. 2269)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 27-A to read as follows:

27-A. Joint order to report out legislation. Unless otherwise provided by law or by Joint Rule, a joint order directing a legislative committee to report out legislation shall be in order for introduction without approval by the Legislative Council and shall require a majority vote of the members present in each House for passage.

The Order was read.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I guess I make no secret about my attempts here today to amend the joint rules. My feeling has been all along that anytime that a member of this body or the other body wanted to introduce an order to report a bill out of committee, to have a committee report a bill out that they were interested in, that it simply took a majority vote.

Again, it is no secret that I was somewhat disturbed and upset about the ruling that we had a couple of weeks ago concerning a bill to be reported out of the Committee on Taxation. That is done, it is over with, and I intend to forget about that, at least for the time being.

My concern, however, is that this body and you as individual members of this body have the opportunity to essentially appeal a decision made by the Legislative Council. If the Legislative Council chooses not to allow a bill of yours in, then you, as far as I am concerned, have the right to bring an order before this body and ask the committee to report out a bill. If you can convince the rest of the members of this body and members of the other body that this is an emergency piece of legislation or it is an important piece of legislation or there is support for the bill, then you ought to be able to appeal, in essence, the decision made by the Legislative Council. That has happened many times this year. The most recent one that I can think of was the Senator from Aroostook, Senator Carpenter, had a bill on Agent Orange for Vietnam veterans which we enacted here in the House the other day. The council, in its infinite wisdom, did not allow that bill in, but a joint order presented in the Senate and in the House had the committee report that bill out. That is one example. There are many, many other examples of where that might become of interest.

I think it is important, I think it is important to me as an individual legislator and I think it is important to you as an individual legislator that you have the ability to appeal the process of letting the bill in to the special session or the second regular session, or after the cloture deadline has been passed. Otherwise, you are really allowing one third of this body or one third of the other body, in other words 12 Senators, to stop a piece of legislation from being heard in this session. I think that is unfortunate; frankly, I think it gives the Legislative Council too much power. I think that this body and the other body combined, by a majority vote, ought to be able to overturn a decision of the Legislative Council the same way that it does on study orders that your committees are working on right now. If the council doesn't allow them in, you have the right to bring them to the floor for debate and decision and appeal by this body.

I feel that my power, if you will, as a legislative leader, is extracted from this body, and if you are disturbed by my decision or the decision of leadership on the whole, then a simple majority vote of this body ought to prevail.

With that I will sit down and I would hope that you would adopt this change in the rules.

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

Mrs. MITCHELL: Mr. Speaker, I move that this be tabled for one legislative day.

Whereupon, Mr. Higgins of Scarborough requested a roll call vote.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this be tabled for one legislative day pending passage. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J. N.; Dudley, Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Jalbert, Joyce, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern,

Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Aloupis, Armstrong, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Austin, Carrier, Fowlie, Higgins, H.C.; Hobbins, Jacques, Kane, Laverriere, Michael, Strout, Tuttle.

Yes, 73; No, 67; Absent, 11.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-seven in the negative, with eleven being absent, the motion does prevail.

**House Reports of Committee****Ought to Pass in New Draft/New Title**

Representative LaPlante from the Committee on Local and County Government on Bill "An Act to Create a Cumberland County Baseball Stadium" (H. P. 1949) (L. D. 1926) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify the Authority of Municipalities to Raise and Expend Money for Athletic Facilities" (H. P. 2265) (L. D. 2112)

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

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Open State Collective Bargaining to the Public" (H. P. 2183) (L. D. 2067)

Report was signed by the following members:

Senators:

DUTREMBLE of York  
SEWALL of Lincoln

— of the Senate.

Representatives:

MARTIN of Brunswick,  
BEAULIEU of Portland  
BAKER of Portland  
LAVERRIERE of Biddeford  
McHENRY of Madawaska  
FOSTER of Ellsworth  
ARMSTRONG of Wilton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-704) on same Bill.

Report was signed by the following members:

Senator:

SUTTON of Oxford

— of the Senate.

Representatives:

JACKSON of Harrison  
LEWIS of Auburn

— of the House.

Reports were read.

On motion of Mrs. Beaulieu of Portland, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-induced Increases in Individual State Income Taxes" (I. B. 2) (L. D. 1737)

Report was signed by the following members:

**Senators:**

EMERSON of Penobscot  
TEAGUE of Somerset  
WOOD of York

— of the Senate.

**Representatives:**

POST of Owl's Head  
KILCOYNE of Gardiner  
HIGGINS of Portland  
TWITCHELL of Norway  
KANE of South Portland  
HAYDEN of Durham  
INGRAHAM of Houlton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

**Representatives:**

BROWN of Bethel  
MASTERMAN of Milo  
DAY of Westbrook

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I move we accept the Majority "Ought Not to Pass" Report.

Whereupon, Mr. Higgins of Scarborough requested a roll call vote.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Carrier, Carroll, Carter, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Huber, Ingraham, Jalbert, Joyce, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Twitchell, Vose, Walker, The Speaker.

NAY—Aloupis, Armstrong, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Chonko, Clark, Canary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Masterman, Masterton, Matthews, McHenry, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Pines, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Austin, Fowlie, Higgins, H.C.; Hobbins, Jacques, Kane, Laverriere, Michael,

Strout, Tuttle.

Yes, 68; No, 73; Absent, 10.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy-three in the negative, with ten being absent, the motion does not prevail.

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

Mr. HIGGINS: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report.

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

Mr. KELLEHER: Mr. Speaker, I move that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. HIGGINS: Mr. Speaker, I request the yeas and nays.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Huber, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Aloupis, Armstrong, Bell, Berube, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Chonko, Canary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Masterman, Masterton, Matthews, McHenry, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Pines, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Austin, Fowlie, Hobbins, Jacques, Laverriere, Richard, Strout, Tuttle.

Yes, 69; No, 74; Absent, 8.

The SPEAKER: Sixty-nine having voted in the affirmative and seventy-four in the negative, with eight being absent, the motion does not prevail.

Thereupon, on motion of Mr. Higgins of Scarborough, the Minority "Ought to Pass" Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

**Divided Report**

Majority Report of the Committee on Judiciary on Bill "An Act to Permit and Regulate the

Location of Group Homes in Residential Districts" (H. P. 2067) (L. D. 2008) reporting "Ought to Pass" in New Draft (H. P. 2264) (L. D. 2111)

Report was signed by the following members:

**Senators:**

CONLEY of Cumberland  
KERRY of York

— of the Senate.

**Representatives:**

BENOIT of South Portland  
JOYCE of Portland  
O'ROURKE of Camden  
HOBBINS of Saco  
LUND of Augusta  
LIVESAY of Brunswick  
SOULE of Westport  
DRINKWATER of Belfast

— of the House.

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

Report was signed by the following members:

**Senator:**

DEVOE of Penobscot

— of the Senate.

**Representatives:**

REEVES of Newport  
CARRIER of Westbrook

— of the House.

Reports were read.

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

**Divided Report**

Seven Members of the Committee on Public Utilities on Bill "An Act to Provide that Corporate Reorganization by Public Utilities be Subject to Approval by the Public Utilities Commission" (H. P. 1842) (L. D. 1837) report in Report "A" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission" (H. P. 2266) (L. D. 2113)

Report was signed by the following members:

**Representatives:**

BENOIT of South Portland  
DAVIES of Orono  
VOSE of Eastport  
KANY of Waterville  
MCGOWAN of Pittsfield  
PARADIS of Old Town  
RIDLEY of Shapleigh

— of the House.

Three Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission" (H. P. 2267) (L. D. 2114)

Report was signed by the following members:

**Senators:**

TRAFTON of Androscoggin  
TROTZKY of Penobscot

— of the Senate.

**Representative:**

CONNOLLY of Portland

— of the House.

Three Members of the same Committee on same Bill report in Report "C" that the same "Ought Not to Pass"

Report was signed by the following members:

**Senator:**

DEVOE of Penobscot

— of the Senate.

**Representatives:**

BORDEAUX of Mt. Desert  
WEYMOUTH of West Gardiner

— of the House.

Reports were read.

On motion of Mr. Davies of Orono, the Majority "Ought to Pass" Report "A" was accepted and the New Draft read once and assigned for second reading later in the day.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Amend the Concealed Weapons Law" (H. P. 2060) (L. D. 2005)

Report was signed by the following members:

Senator:

SHUTE of Waldo

— of the Senate.

Representatives:

COX of Brewer

DUDLEY of Enfield

TREADWELL of Veazie

McSWEENEY of Old Orchard Beach

STUDLEY of Berwick

STOVER of West Bath

SWAZEY of Bucksport

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 2262) (L. D. 2110) on same Bill.

Report was signed by the following members:

Senators:

CHARETTE of Androscoggin

VIOLETTE of Aroostook

— of the Senate.

Representatives:

SOULAS of Bangor

PERRY of Mexico

BOISVERT of Lewiston

— of the House.

Reports were read.

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

Mr. COX: Mr. Speaker, I would defer to the gentleman from Bangor, Mr. Soulas.

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

Mr. SOULAS: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: The Legal Affairs Committee was presented with a bill to correct inconsistencies in the present weapons permit law enacted in the regular session. The committee spent over 60 hours in hearings and work sessions to come out with a workable bill to correct many of the problems with the present law.

On Monday, March 15, we met in another work session with representatives from the Sportsman's Alliance of Maine, the Attorney General's office, the Maine State Police Department and the Maine Municipal Association. To the best of my knowledge, all parties agreed to a compromise and a new draft was to be presented to the committee on Thursday, March 18, and the final result is the new draft, L. D. 2110.

Let me give you some idea what the committee was trying to do to help the sportsmen, not hurt them. The comparisons I will be offering are between the enacted law and the new draft, not L. D. 2005, which has been scrapped. I am only going to give you two or three of these because the sponsors of the bills themselves would like to speak on it.

One, if the law remains unchanged, serious crimes committed by juveniles cannot be considered in determining their eligibility to carry a concealed weapon once they turn 18. If the new draft, L. D. 2110, is enacted, issuing authorities could consider juvenile offenses, which, if the applicant was an adult, would this call him from eligibility?

Two, the General Fund will continue to lose revenue as State Police investigate non-resident applications. Investigating out-of-state re-

cords is timely and an expensive process. L. D. 2110, the fee charge, only for non-residents, could be increased from \$15 to \$30.

Three, State Police, this is under the law right now, will continue to operate outside of the law in investigating non-resident applications. It has been impossible outside of the law in investigating non-resident applications. It has been impossible for the State Police to obtain out-of-state records within the 30-day period currently allowed.

Since the law was enacted, the State Police have a backlog of 160 applications and they are receiving them presently at the rate of one a day. Now, if they cannot process them in 30 days, they have no choice under the law but to issue the permit and then if they find something wrong go out and revoke that permit. What we are trying to do in L. D. 2110 is to extend that time to 90 days only for the non-residents so that we might be able to at least get the opportunity to process them.

Last, what I am going to say is that the issuing authority in determining moral character, this is the crux of the whole bill, can seek information from any records maintained by a government entity right now, so actually the sportsmen, and this is one of their major complaints, there is going to be too much regulation, this is going to decrease regulations if the new law is enacted so they cannot get the information unless authorized by the applicant.

I do hope you will vote for the bill and I would like to see all those green lights go up for "Ought to Pass".

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I signed this bill "Ought Not to Pass" and let me tell you some of the reasons why.

First of all, it has not been a year since we passed this original bill giving them what they said they wanted, and now they haven't tried it a year and they are back and they want a whole new bill with several pages.

The bill isn't all that bad, I am going to be perfectly honest with you, but we need a lot more time to work on a bill of this nature. I hate to put out sloppy legislation from this group. I want it more tidy and more satisfactory to people.

The previous speaker said that it satisfied all concerned—that is not so. The Sportsmen Alliance, I am sure, at least the ones I know, are not satisfied and so that would not be a fact. What I tell you here, I am going to try to be factual. The fact of the matter is, I don't think we have tried the present law long enough. The other fact of the matter is, we haven't got time enough to complete and pass a bill of this magnitude without more time. If you will look at the bill, I think you will only have to read but a page or two to see that it isn't the type of bill you would like to vote for. It is not the type of bill that I am going to vote for, and I hope the rest of you will take a look at it and I think you will feel the same as I do.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The concealed weapons bill passed in the First Session of the 110th was a constructive, positive piece of legislation that kept the permit process and the approval at the local level. Those of us who were cosponsors are proud of that legislation. It has been well received at the local level but there are some mechanical problems that we can address now and avoid later litigation.

My concern is two part. As a local official who has to administer the law, I am concerned that the waiver does not apply to all the record sources that we on the local level are required by law to seek out before a decision is made. The 45-day period will aid us, even though in Kennebunk we will still strive to complete the review of the application in 30 days or less.

My second concern is for the applicant. This law will prevent the present carte blanche to an applicant's past. Now that issuing authority can check credit, bank records, high school records, athletic records, school disciplinary records. This bill will prevent that, will narrow the area of investigation. This bill also protects the confidentiality of the applicant's record. This bill also prevents the revoking of a permit if you happen to move.

As a support of the rights of the applicant to carry a concealed weapon and as a local official who has to carry out the requirements of the laws we pass here, I urge you to vote yes on the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this bill and here are two of the reasons. One of them is that if I apply for a permit and we have an issuing authority that wants to, he can compel me to go and get my photograph taken and present it to him.

Second, the issuing authority can have me go or force me to go and have fingerprints taken and have them returned before I could be issued a permit. I think this is going above and beyond anything that is reasonable.

I have 20 towns in my district, we have no problems with the present law. The present law was in effect about three months before this move was started with the problems. I think a lot of the problems could have been taken care of by the municipalities if the officials were willing to issue concealed weapons permits.

I don't know whether it was agreed to in the committee there was a discussion on juvenile records, can you dig into the juvenile records. This is one problem, if we could solve it, would be fine, but we have added a number of things here that I don't think should be in the bill.

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

The SPEAKER: The gentleman from Franklin, Mr. Conners, moves the indefinite postponement of this Bill and all its accompanying papers.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think it is important that we look at where this bill came from and the need for it.

Originally, the bill, to me, was tainted to a degree in that it came from certain people who wanted to weaken the present concealed weapons legislation. It went through a number of drafts; the final draft, which I signed as a cosponsor and believe in, I don't think does this at all. In fact, what it does is, it strengthens the present concealed weapons legislation. I feel it is very "pro" people who want to obtain concealed weapons permits, I think it helps them.

There has been confusion on it in that the NRA issued a letter which was issued without having read the proposed law, 2005. I think they had not read it, it was very clear they hadn't, they admitted that they hadn't and this turned a lot of people against the bill for reasons that weren't even contained in the bill.

The discussion of the bill and the work that was done by the committee would definitely make the present law better.

You have heard objection which has fallen basically in two areas. First is, it is too soon, we have a law on the books, it has only been there a year, we should let it stay there. I would submit that Representative Soulas has pointed out to you, and I will point out further, that there are some basic problems with the law that is on the books. That problem I think should be corrected, and if not corrected, then what are you going to have is the same thing coming back in another session with some horror stories about people who were very badly hurt by these oversights in the law.

One of my favorite things, and this was not mentioned by Representative Soulas, is the Catch 22 proposition that if you go to your local town, you obtain a concealed weapons permit, you then move to another town, the permit would be terminated and you couldn't get a new one in the new town you moved to for five years. That wasn't intended in the law, it wasn't the way it was supposed to work but there is this Catch 22 situation in the present law where it would work out this way.

It has been objected that you have to give fingerprints. If you look at the present law, it very clearly states that the applicant must agree to submit to having his fingerprints taken by the issuing authority; that is already in the law, that is nothing new.

The question of the photograph, we debated that a long time. Originally, we felt that some people liked to collect permits and that having their photograph on it would make it more attractive to people who would just want to get a permit for the sake of having a neat card to carry around in their pocket with their picture on it, so in the original law we left it off. Now, in this redraft, there would be the right of the police chief to make the decision that he wanted to put a photograph on it but the cost wouldn't be any higher but they would make that at the local level. I don't think that is a big burden, to have someone have their picture taken.

I think it is an improvement, I think it is a needed thing, I think it is favorable and I hate to say this, it is favorable basically to the gun owner and the sportsmen of this state. As I say, there has been confusion over it, I think the confusion came in the number of drafts that came out before we came up with the final draft and before the committee had the chance to work the final draft into the form it is now in.

I hope very much you will vote against the indefinite postponement and will support this legislation.

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

**MR. McHENRY:** Mr. Speaker, Ladies and Gentlemen of the House: NRA has been brought up during the debate and I, for one, would put very, very little credibility in anything that NRA says because they mislead people into believing things that aren't true.

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

**MRS. NELSON:** Mr. Speaker, Men and Women of the House: I certainly hope that you will vote against the pending motion.

First of all, let me try to explain to you that the four people who introduced this amendment are the very same people who introduced the bill which ultimately became the law that we are not talking about as being so positive for everyone. No sooner had the ink dried on the law, people found there were problems with it. If you don't fix it now, when will you do it? When the sportsmen wish to get their permit in the fall when they are going hunting and they can't get their permit? Now is the time to do it so that those people, who are stable people, who need and want and should have a permit can get it.

This is not gun control, we are not talking about the right to bear arms. We are talking about the privilege to conceal a weapon, and I think the whole business has been put out of proportion.

We have a bill before us, which is now, I believe, 2110, and that is what we are talking about, that is what we should be looking at. You also had, I believe, an information sheet that was passed out by the Maine Municipal Association which states it all right there before you.

Please remember that the Attorney General's Office, that the State of Maine Police, that the Maine Chiefs of Police Association, that the Maine Municipal Association have come and asked for some help in this particular area.

These are the towns and the cities who have called the Maine Municipal Association asking for help in explaining and dealing with the problems of issuing a permit Waterboro, Corinth, Herman, Surry, Athens, Skowhegan, Mexico, Eagle Lake, Fryeburg, Vassalboro, Hermon, Milford, Sullivan, Dexter, Bowdoin, Northport, Wells, Hollis, St. Agatha, Bradford, Shapleigh, Greenbush, Holden, Medford, Milford, Poland, Hanover, Readfield, Benton, Lubec, Enfield, Lewiston, Waterville and, yes, Portland.

This is a bill that concerns all the people of the state.

Recently there was a bill up that dealt with antlerless deer in which one of the people here spoke and said that the Sportsmen's Alliance of Maine doesn't know everything. They do know some things. We here are responsible people, sworn to uphold the laws of the state, and to whom are we responsible? We are responsible to all the people of the state to be sure that the unstable members of our society do not have the privilege to conceal a weapon.

There are many, many people concerned today about this bill and the irony is that it indeed helps the sportsmen of the state, and had they read 2110, they, too, would have known it was to their advantage. They sent a letter to the committee saying they were against the bill before they even read it.

I urge you to vote no on the pending motion.

**THE SPEAKER:** The Chair will order a vote. The pending question is on the motion of Mr. Conners of Franklin that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

**MRS. NELSON** of Portland requested a roll call vote.

**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, and more than one fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

**THE SPEAKER:** The Chair recognizes the gentleman from Milo, Mr. Masterman.

**MR. MASTERMAN:** Mr. Speaker, since this bill was before us last year and it seems to me it is the same title, is this bill properly before us?

**THE SPEAKER:** In response to the request posed by the gentleman from Milo, Mr. Masterman, the Chair's recollection and the Clerk's recollection is that last year we enacted the bill, we did not finally reject the bill. The Joint Rules provide only that matters may not be returned that have been rejected. It does not discuss whether or not a matter has been brought back after having been enacted; therefore, the Chair would rule that the matter is properly before the body.

The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

**MR. GWADOSKY:** Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I was a cosponsor of this bill last session and when I was asked to cosponsor this bill this session, I was more than reluctant, only because it had only been on the books for three months and I really didn't see the need of making changes at this time. I was reluctant when I saw the first draft of the bill and the second draft and the third draft, but when I did have a chance to talk on the fourth and fifth draft with the gentleman from Yarmouth, Mr. Jackson, we recognized that we did make some mechanical problems in the bill last session. There are things that are going to have to be changed either now or next session. I think it is fitting, as part of the legislative process, when we have matters before us that we go ahead and debate those matters and do the work that we

have been sent here to do.

It is very easy to vote against something just because we have had it, we passed a bill last session, let's see how its works, but the fact is, there still are some problems out there and I, for one, think we should be addressing those problems.

I would pose a question to those who voted against this on the division to explain to the body why you are voting against this bill. I haven't heard very many comments and I see at least one mike rising now and I want to hear the concerns of some people.

I was a little disappointed with the lobbying that took place in and about the committee on this legislation. A concern that I had was the attitude of a group lobbying against this bill, the Sportsmen Alliance of Maine. On Monday, March 15, and when they went into the committee room on March 18, Thursday, to discuss the bill, they found a letter on their desks from the Sportsmen's Alliance of Maine dated March 16, Tuesday, opposing the bill and they hadn't even seen the draft, the new draft, so I am wondering what the real reason is for opposing this bill. I think there is a stigma of "we just don't want to pass another bill because we just did something last session." They are afraid that we are going to put handcuffs on them or something.

I, for one, feel that if a person wants to have a concealed weapon and is deserving, he should be able to have it. There are a lot of people out there who aren't deserving and have concealed weapons, and I would strongly urge you to oppose the pending motion.

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

**MRS. HOLLOWAY:** Mr. Speaker, Ladies and Gentlemen of the House: My reason for voting on the division at that time was primarily because I just read the draft. It has just been on our table this morning and I do feel that there are eight constituents who are very anxious to receive this at home and I would like to have some of their input on it, and it is mainly because of the lateness of the printing of the draft that I objected.

**THE SPEAKER:** The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

**MR. SWAZEY:** Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Legal Affairs Committee that we have been taking a few pot shots at us this morning. I think one of the reasons that we are opposed to it, the eight "Ought Not to Pass," was that, as you well know, this just came on your desks this morning. I believe you received one copy that was inaccurate and I think there were three or four down in Legislative Research that could have been prepared besides the two 005.

These are the same sponsors that presented the bill. Everybody pretty well agreed to the bill in committee, and all the other members involved, by the middle of last March and we didn't adjourn until into June and nobody at that time, none of these associations that they are now saying are against this law voiced any objection after that. So we had some three months and there was no objection.

This law has been on the statutes just a short period of time, since September 9, and I would like to emphasize that it has not been tested in a court of law and no permits, to my knowledge, in reading about this law that is presently on the statutes, have been revoked and no violations of concealed weapons permit holders since the law went into effect in September that I have read about.

This law wasn't passed by the 106th or the 108th, it was passed by each and every one of you and I believe it is still a good law and I would hope for indefinite postponement of this bill.

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

**MR. JACKSON:** Mr. Speaker, Ladies and Gentlemen of the House: There is not much I

can say about the problem of the bill coming on your desks late. We are near the end of the session, there are a lot of bills in committee still, and things are tight this time and you have to work quickly.

You will have on your desks a legislative bulletin from the Maine Municipal. They do a very good summary of it and you ought to take it out and take a look at it.

A lot of legislation we pass here, particularly when we make a departure and do something that is a departure, such as the concealed weapons bill in the last session has problems with it. We don't plug all the holes, we have an errors and inconsistency bill which recognizes that problem and there are things that have to be corrected. We are not perfect, we make mistakes.

The committee worked very hard on the original bill; the sponsors worked very hard on the original bill. But again, if you will look at the Maine Municipal thing and make the comparisons, there are some problems. Why should the State Police have to go to the General Fund to take money to handle out-of-state applications? Why if you move from one town to another should you be denied a permit for five years? why shouldn't we look at juvenile crime? Someone could have done something pretty bad as a juvenile and they could still be issued a concealed weapons permit. Do you want that? Is that what you wanted to do? There are a number of these things in here that are addressed and should be addressed, and if they are not addressed, they are going to be addressed next year.

I will be perfectly candid with you, I would like to address it this year, I would like to address it this year as a licensing law, which I see it as. Next year, this body is probably going to have some gun legislation in front of it and it is going to muddy the waters and it is going to draw things out of shape, and I would much rather address this now and have a good clean statute on our books that covers this than next year see it all messed up and get into the whole question of handguns and this whole thing. I think now is the time to address it, and I hope we can, and I hope you will vote against indefinite postponement and pass this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I voted with Mr. Connors because my people wanted me to vote this way because they were satisfied with the other law. Now this morning I get this on my desk and I have just mailed them out and they won't even have a chance to read them, and if they read them and they like it, they may call me back and say vote for it. So we are in a dilemma. I don't like to have a bill on my desk and vote for it before my people see it, especially when they have written to me or called me about the thing.

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

Mr. MURPHY: Mr. Speaker, I move that this bill lie on the table for two days.

Subsequently, Mr. Murphy of Kennebunk withdrew his motion to table.

Mr. Connors of Franklin withdrew his motion to indefinitely postpone.

Thereupon, the Minority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

#### Orders of the Day

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

Bill, "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee" (S. P. 811) (L. D. 1907)

Tabled—March 26 by Representative Jalbert of Lewiston.

Pending—Motion of Representative Curtis of Waldoboro to Reconsider Indefinite Postponement.

On motion of Mr. Jalbert of Lewiston, retabled pending the motion of Mr. Curtis of Waldoboro to reconsider and tomorrow assigned.

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

An Act Creating the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority (Emergency) (H. P. 2071) (L. D. 2012) (H. "D" H-683)

Tabled—March 29 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mrs. KANY: Mr. Speaker and Members of the House: We have discussed small portions of this bill, but we haven't looked at it in its toto, and this is probably a good time to remind people that about 30 percent of our Maine banks are not even offering any mortgage loans of any type and that conventional interest rates are in the 17 percent range and even higher, 19 percent with the home repair and energy conservation loans.

We are offering a helping hand and we are using the private sector to do it in this bill. These are tough times for the housing industry and for housing consumers, and in the measure before you, by a four and a quarter million dollar appropriation, we could actually generate \$60 million in tax exempt revenue bonds to pump into Maine's economy for housing. The end result would be that much more capital available to the State of Maine and allow our people to have lower interest rates available to them.

There is a housing crisis in the state, and if we do not address this now, we will just be burying our heads in the sand.

I urge you to pass this measure.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to rise this morning to address the House on this issue. I had thought with my conversations with the good majority leader that the bill was going to be tabled again today. I find out that is not going to be. That being aside, I would simply like to make a couple observations.

There are a number of people in this House—perhaps the vote the other day was not indicative of the strength this bill has—I know there were a number of people in my caucus who intend to support the bill. I, however, in the Republican caucus yesterday, took a stand on this bill saying that we felt that we had made a statement about a month ago indicating that we were concerned with the contract talks with the Maine State Employees Association and that the \$12 million that the Governor had in his budget, we felt, was not an adequate amount to resolve that particular problem.

That being the case, we then said that we felt uncomfortable about voting for additional spending measures until we had a better idea or concept, or that the contract situation had been resolved; therefore, we intended to vote against additional new and expanded programs, if you will.

Well, today we do have in front of us surely a new and expanded program, over \$4 million for the housing industry and real estate and the bankers are all excited about this bill. I can understand that, I share their concern and I assure you that members of our caucus share that concern as well and are interested in the outcome of this particular piece of legislation.

However, we still do not feel that it would be responsible for us to pass this bill, even though it is going to go to the other body and lay on the table down there pending final action by leadership, the Appropriations Committee and other members of this legislature who are going to be involved in resolving the financial plight of this state.

Secondly, I do recall talking last week or a couple weeks ago about whether or not we wanted to conform our tax laws to those at the federal level. To do so, we all know, it would cost the state approximately \$10 million. That is an estimate but, nevertheless, it is one that we have to deal with.

At that time, the majority party in the House, the Governor's Office, Democrat members of the Appropriations Committee said, we can't do that, we can't do it now, we can't talk about spending an additional \$10 million or losing an additional \$10 million in tax cuts for the people of this state because we don't know what Washington is going to do and we don't think we have got the money to do that.

I guess I am saying that I, for one, in the Republican party in this House, feel that those are two issues which necessitate being addressed and looked at and refined before we want to vote for four and a quarter million dollars of additional state spending. Hadn't we ought to keep the ship of state afloat before we start talking about bringing on extra burdens?

I hope I have made my position and the position of the caucus relatively clear. We support, certainly not to a person, I don't even know the exact number but I can assure you that here were a great number of people in the caucus who would support this piece of legislation, but at the same time, we are reluctant to do that and we feel it is responsible for us, as legislators, to vote against it today in hopes that we would get it tabled here in the House so that we could then have some input on the outcome of this when you fit it into the puzzle of what our financial position really is. There are a lot of things that this legislature hasn't addressed yet and most of them concern money.

We have got six, seven or eight million dollars that they want to put in from the General Fund to the Highway Fund. We haven't addressed that yet. The state employees' raises we have already talked about. Certainly there is going to be a great deal of concern over increasing retirement benefits for retired state employees and retired teachers. That is a perennial thing and many of you here share that same concern. Indexing is going to be a concern. The Governor has a bill that hasn't even hit the floor yet. Income tax conformity—those are a number of issues that haven't been addressed yet, and I hate to see this bill leave this chamber and go to the other end of the hall where we, as members of the House, are going to have little to say about the outcome. I think it is more responsible to keep the bill here where we can adjust it if we feel it is necessary, after we know some of the pieces of the puzzle and what they are going to cost.

I hope I have explained the position as adequately as I can, trying to keep as positive a note as I can, but at the same time I want to share with you the frustrations and the concerns that we have about voting for some additional spending programs until we have a better handle on where we are financially.

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

Mrs. MITCHELL: Mr. Speaker, I would like to pose a question to the Chair. Does this bill, with its appropriation, go to the Appropriations Table until the end of the session?

The SPEAKER: The Chair would advise the gentlewoman that the bill contains an appropriation request of \$4.2 million. Therefore, the bill would be assigned to the Appropriations Table until the end of the session.

Mrs. MITCHELL: Mr. Speaker and Members of the House: This House has always, at least as long as I have been here and certainly since the good gentleman in the other corner has been here, operated on the premise that if a bill has an appropriation on it, we act on it on its merits, we sent it on its way and then it takes its place along side the other items.

But I have been somewhat amused that we are very concerned about not passing a very



important bill to an industry in this state which is crippled and to people who need housing when we passed without a word of debate, with the good gentleman's vote, a bill which would cost the treasury of this state \$35-plus million this morning. We didn't wait for that one.

Let's be realistic. This bill is extremely important. It will take its place with the other items, and I cannot close without mentioning the issue concerning collective bargaining. That issue is not before us. We are not the administration, we are not the state employees, our role comes later, and at that time we will take a good look at what is before us and what we can afford as state legislators. But let's not forget who the bargaining agents are at this point.

I suggest that there is a crisis in the state, this is an important bill, it is far more important than partisan implications, and I suggest that we give it 101 votes plus and send it on its way this morning.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was listening to the good gentleman from Scarborough, Mr. Higgins, and I was looking upon him as an individual legislator, then looking upon him as the leader of the friendly opposition, and looking upon him as I used to want to look upon him as a member of the Appropriations Committee. I have always said to him and others, I think he should have stayed anyway.

Last night, I got home just in time to listen to the six-thirty news, and before even El Salvador, the President of the United States came on and here were his words — housing is one of our highest priorities. These are the words of President Reagan last night in opening remarks.

There are all sorts of areas here to play politics; I don't think this is one of them.

The young man from Lewiston, my young friend, Greg Nadeau, made a statement last week, and the debate had been going on so long that I did not want to prolong it, but the words he said were words that should have been hardened to, and it is unfortunate that some of you can't get down and see what he was talking about when he was speaking about a certain section of his area, of his district, which was all boarded up. Here is the real story behind that.

The gentleman who bought those houses and padlocked them went down to Florida, but the day before he left for Florida, he said the streets of Lewiston are paved with gold. That meatball should be made aware of the fact, and I know him and I am waiting for him to come back to Lewiston and I will greet him somewhere, I guarantee you — he should be made aware of the fact that we have lost over 3,000 people in the last 14 months in the city of Lewiston, and these people are still unemployed. If you want to go down to Lewiston today, much less buy a home, go down and look at this section. It's the North Street section, the Spruce Street section, and the gentleman was dead right but he didn't tell the whole story.

I can show you several areas where we could play politics; this just doesn't happen to be one of them. I am going to give, however, the members of this House who are not members of my party a strong piece of advice, and I am going to suggest to my leader, Mrs. Mitchell, that this bill not be tabled and we go to a vote, and if you want to kill it, you kill it, and I guarantee you there will be some empty chairs here replacing some members within this body. I am not threatening, I am making a statement of fact. This is not an area to play politics.

I know that the Republican party is as interested in good housing as anybody else is. I know exactly what he is talking about when he talks about the highway fund that we have got to have, about this money that we have got to have for the retirees, this and that, but the answer to some of these things is very simple

— we just don't have the money.

We have the money for this, it is part of the Governor's program and I think it should pass. I don't care what party the Governor might be in.

The gentleman from Scarborough, Mr. Higgins, very well knows that there is very little politics. I have been fighting for weeks down there in 228 to get a unanimous report out of committee, and somewhere along the line when we are about ready to roll, something comes up and I have bought some things that I didn't like, maybe others have bought things they didn't like. If we are going to play politics, let's not play politics with this bill.

As far as Ms. Small is concerned, if you remember correctly, Mr. Higgins, I am the one that got up and asked that this bill be passed. I beseech you, on this bill right here, forget party affiliation, vote for what you think is right, and the enactment of this bill is dead right.

Mr. Speaker, if a roll call has not been asked for, I would ask for one.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the kind words of the gentleman from Lewiston in trying to lead us through this malaise of how we are going to solve the housing problem in the State of Maine this morning.

I guess I would have to take a little umbrage, perhaps, with some of his words, however, when he starts talking about party affiliation aside. I guess I would submit to him that were his party in the position that we are in, perhaps other methods might have been used. If it weren't the Governor's bill, perhaps we might be in a different situation, I guess is what I am getting at.

Somehow I knew that people would start talking about playing politics. Well, that plays well in the paper and plays well in Peoria, but my two cents worth says that politics is a concern for the people of the State of Maine, it is a responsibility that we all have here as elected officials representing our people, and I guess I don't necessarily feel that we are playing politics here today, although playing politics doesn't have that negative connotation to me that it might have to others. Somethings if you want to call it playing politics, I guess I would call it playing responsible, maybe. I think we were elected to do a job, we were elected to represent our people, we were elected to, among other things, pass a budget and to keep the people of this state on a good financial basis. I don't think there is any question about that.

I know my people back home, I have had calls, I had a couple of calls, had a fellow from Florida call me yesterday who lives in Scarborough who is in the construction business and said, what's going on? I told him and I think they understand that. I told him what I felt and why I felt that way, and I told him what the outcome of the piece of legislation would be. They understand that, they accept it, and I think it is the responsible approach to take. There are too many unanswered questions. As you said yourself, Republicans are as concerned about good housing and the housing industry as the Democrats are, maybe not quite as enthusiastic. Perhaps the Democrats wouldn't be quite as enthusiastic if the Governor was a Republican — I might just throw that in right now. But we are still concerned about it, I assure you, but at the same time, we are concerned about a lot of other programs as well, and I am sure, just as sure as I am standing here, that there are many Democrats who are as concerned about budgetary problems as we are, and I have depicted them to you earlier in my statements; I don't need to go through them again.

I think it is unfortunate, I guess, that we are going to try to be accused of playing politics. I say we are here attempting to do the people's

business, we are attempting to stand up and be counted on what we think is right for the people of the State of Maine, for our individual districts and also what is inside us and what we feel as individual people, because I think, above all, legislators, Republicans and Democrats, are responsible people and they are people of principle. I think I have said that before. Our principle to us, at least to me, says, I think it is unfortunate to pass on over \$4 million in additional costs until we know what else is going to happen. That is the bottom line, and I don't think it would be different if it were the other way around.

With that, Mr. Speaker, I would hope that we might delay action on this bill. I think it is not going to slow down the process any if this bill lies on the House table here or it lies on the Senate table in the other body. It isn't going to make any difference, it is not going to be resolved. The final outcome is not going to be resolved until the last day of the session. We all know that; anybody that has been here more than two days knows that the Senate Table or Appropriations Table isn't dealt with until the end of the session, the last day in the last hour, so we are not going to delay any action by holding the bill up. But what we are going to do is allow some input by House members, Republicans and Democrats alike, on what the final outcome is going to be.

A lot of us, perhaps Democrats included, have complained about the fact that once a bill gets to the other end and it lies on the table, that they lose control of it. Today, we have the opportunity to say no to that proposition.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Just listening to the gentleman from Scarborough, Mr. Higgins, point out in the first half of his discussion with us all the good reasons why we should pass this bill, a lot of good reasons, and included in that discussion he told us that in his caucus, members of his party, as well as my party in this corner, certainly want to present this to the State of Maine because it is a good bill. Then he kind of interjected beyond that, if you recall, that we shouldn't spend \$4 million without really knowing what our total program is going to be. But I am still in a quandry, ladies and gentlemen, when the gentleman from Scarborough, Mr. Higgins, this morning initiated and voted for and pushed \$37 million for an indexing bill. That really puts me in a quandry and makes me wonder what he is really thinking of. He talked about motivation, responsibility and all those kinds of things — what are they?

Then the other question which I would like to pose through the Chair to the gentleman from Scarborough, Mr. Higgins, his quote was — "I don't know what we would be doing if this is a Governor's bill, a Governor's bill might indicate some other kind of action from this body." I would like to know what the gentleman from Scarborough, Mr. Higgins — the question is, what did he mean by "this is a governor's bill?" I don't understand what that could possibly have to do with all of the positive points that he has pointed out, all the reasons that the gentledady, my seatmate, Mrs. Mitchell, pointed out. I would like to know just what he meant by that quote.

The SPEAKER: The gentleman from Windham, Mr. Diamond, has posed a question through the Chair to the gentleman from Scarborough, Mr. Higgins, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HIGGINS: Two questions — number one, I guess my statement about a governor's bill wasn't intended to cloud the issue or cast any aspersions on the outcome or the legislation itself. My reason for just pointing that out was that had it been a Republican governor down there, perhaps the majority party in this House would be in a different position than they



are right now, and I am sure that the minority party in this House would be in a different position as well than they are in right now — okay? It is as simple as that. So if you want to talk about playing politics, politics is played on both sides, there is no question about that.

The second question, indexing, well, it seems to me that that bill is going to be voted on by the people and I don't recall leading any great charge in favor of the indexing bill. It seems to me that all I asked for was the next motion in line, accept the minority "ought to pass" report and asked for the yeas and nays. I don't recall going into any great diatribe on why I thought that was a great piece of legislation. I just felt that to keep the House moving along, to take up the motions in order was the way to proceed; that is all I did.

Whether or not this legislature votes in favor or against indexing, it is going to go to the people in the fall to be voted on, so I don't think that outcome makes a bit of difference, really, on the floor here today other than to just kind of get everybody stirred up and try to discredit what I have said.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: The comments of the gentleman in the corner to my far left here led me to want to speak on the issue of the referendum, because evidently he doesn't understand how the process works. An initiated referendum bill does not automatically go out to the voters; this legislature has a choice. We either pass it intact or we defeat it, and then it goes out to the voters.

The issue that was before us this morning was an initial vote on that initiated referendum. It has a price tag of \$35 million. The vote this time around is the same .....

The SPEAKER: The Chair would inquire why the gentleman from Scarborough, Mr. Higgins, rises.

Mr. HIGGINS: Mr. Speaker a point of order. The gentlady is not really debating the issue at hand here .....

The SPEAKER: The Chair would advise the gentleman that he raised the issue.

The gentlewoman may proceed.

Mrs. POST: Thank you, Mr. Speaker. What we are talking about here today as far as the HOME bill is whether or not we want to decide here in this body that this bill should go no further because of the amount of money it costs. What happened with the bill that was passed earlier this morning is that that bill was passed with no debate, with the support of the gentleman in its initial readings, and that had a price tag of \$35 million on it.

I remember a few years ago that we talked about a House appropriations table. Representative Kelleher and I were just reminiscing about that House appropriations table, and sometimes that might not be a bad idea, but it is something that you do at the beginning of a session.

We have a few bills in the Taxation Committee that are on the way out and if we are going to talk about tabling this proposal for non-partisan reasons, we could start tabling some of those proposals. We have got Bangor International Airport, we could table that in the House while we decide how much money we have got left. There is a harness racing bill that is working its way through the process that we could table until we decide what is going to happen with our budget process. We have got one on interstate trucking, a bill of the gentleman from Scarborough, that we could table in the House until we decide how much money we have got left. And if we wanted to take a look at the little ones, we could even table Johnny Appleseed for the \$600 while we decide how much money we have got left.

We have got a procedure that we go through. We set our priorities in the House. Then, at the end of the session, the Appropriations Committee, which is made up of House members and

Senate members, and the leadership sit down and they make their decisions, and we can either go along with those or not go along with those. Sometimes the bills come back to us and they have to be amended, sometimes they don't. But if we wanted to change the process, what we should have done was do it at the beginning of the session with a change in the joint rules, not now, because I think it has to be very clear that this one issue, this one issue out of all the others that have been before us, has been singled out by the gentleman from Scarborough for non-partisan reasons.

I think that if we really feel that housing construction is a real issue in this state, then we should pass it. If you don't think it is a problem, then vote against it, but at least have the courage to vote against it for the right reasons.

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

Mr. TARBELL: Mr. Speaker, I move this matter be tabled for two legislative days.

Thereupon, Mrs. Mitchell of Vassalboro requested a roll call vote.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that this be tabled for two legislative days pending passage to be enacted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterton, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Studley, Tarbell, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Smith, C.B.; Soule, Swazey, Telow, Theriault, Thompson, Twitchell, Vose, The Speaker.

ABSENT—Austin, Carrier, Hobbins, Ketover, Laverriere, Rolde, Strout, Tuttle.

Yes, 67; No, 76; Absent, 8.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-six in the negative, with eight being absent, the motion does not prevail.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I thought I better point out that this is basically not a new program. We have had a single-family mortgage program in the past. We have had home improvement loans, we have had energy conservation loans, all provid-

ing Maine people with a little lower interest rate. I wanted to make certain everyone understood that. It is only because of federal legislation, the Almmann legislation passed by Congress, that we need to have an appropriation. That federal legislation limited the percentage to one percent of the monies brought in by bonds that could be used for issuance and administration of any such housing programs.

I would like to point out that the Maine State Housing Authority has only used state taxpayers' monies twice. The first time was when we just began the Authority. It was in 1969 and then we had an appropriation of just \$70,000 and that was repaid. The second time, the only other time it has ever come to us for taxpayers' money, was in 1973, when it borrowed some money from the Governor's contingency fund and paid it back.

I would like to submit to you that if the federal legislation changes, and it very well might, so that we would not have to use any state taxpayers' money for this purpose, then, indeed the Maine State Housing Authority could pay back that money.

These are not basically new programs. The appropriation is new only because of congressional action. And I would say once again, there is certainly a housing crisis. Let us put our differences aside. Heavens, the sponsor of this legislation is the Speaker of the House, and all of you know, Republicans and Democrats alike, that if there is anybody in this House who has had problems with the Speaker, political differences, it is I, and I urge you, I truly urge you, to put aside our differences and pass this most important legislation.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: You all know I am in favor of housing and I have been a proponent of it right along and I will continue to be because I stood on this floor and said I would vote for it. But I want you to know that the votes in the Republican caucus are cast in concrete. I will probably be the only person here who will vote for it who is Republican, but that does not mean the Republicans are not in favor of the housing.

I can assure you that a week ago this would have gone through without any problem, as I told you, and it probably will go through in the later days of this session, but it is not going to go through today and I think this debate can go forever without any achievement.

Most of the Republicans, and probably two-thirds are in favor, as I said, of this bill, but it is not going to go through today and I think you are wasting your time.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: With five remaining days of this session left, I would like to discuss the merits of this legislation. I would like to have one day for the majority and minority leadership to decide the procedural question. As a co-sponsor of this bill, I would urge or maybe beg some member of this body to table this bill for one day.

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

Mr. JACKSON: Mr. Speaker, I move this bill lie on the table for one legislative day.

Mrs. Mitchell of Vassalboro requested a roll call vote.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Harrison,

Mr. Jackson, that this matter be tabled for one legislative day pending passage to be enacted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

ABSENT—Austin, Conners, Hobbins, Laverriere, Rolde, Strout, Tuttle.

Yes, 67; No, 77; Absent, 7.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-seven in the negative, with seven being absent, the motion does not prevail.

The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am ashamed of this body this morning. This is a good bill whether it is the Governor's bill or not. The Governor and I are not in very good standing right now, but this is a good bill and I don't care whose bill it is, you should vote for it. You are working for the people, not for party in this place, and I am ashamed that you have made this a partisan issue.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have never been on good relations with the Governor, so I can empathize a bit with the lady from Brunswick, Mrs. Martin.

Ladies and gentlemen of the House, I wouldn't vote for this bill whether it was the Governor's bill, the Republican's bill or Democrat's bill.

The lady from Brunswick talked about the people, doing something for the people. I am holding in my hand here some questionnaires that I received back from my folks back home and I just did a little tabulation—28 percent said that we should do something or that government should do more for the housing industry, as represented by this bill; 72 percent say that we should not. Ladies and gentlemen, I think that the crucial issue before us today is just what role does government have in continuing to bail out industries.

I am familiar with the problem facing the housing industry; there is nobody anymore familiar than I am because of my own particular situation. I think that perhaps one of the reasons this bill has gotten as far as it has this morning is the reference that Representative Jalbert from Lewiston made earlier to the

President's remarks last night, but I guess I must read a different newspaper than Representative Jalbert, because I read my newspaper this morning and I read that the President's proposal offers regulatory relief but rejects budget-busting bailouts, and that is what I see this bill as. I see it as a bailout.

I see government responding to business that is in trouble. The business is in trouble because the United States' economy is in trouble. The United States' economy is in trouble because of 40 years of wild spending, and in an attempt to bring that under control, government at the state level starts responding to those businesses which are telling us now they are having problems because of the current economic conditions of the nation's and state's economy. I submit to you that the only way we are going to bring this economy under control, the only way that we are really going to make housing once again a realizable dream for the majority of Americans, is to bring the economy under control. I think we have a program going now that is going to do that.

It's a touchy one and it hurts. The people in my industry and all the other related industries to housing are feeling the same kind of pinch, but I guess it is really a question—do we bite the bullet or do we enact another government program?

Ladies and gentlemen, I wouldn't vote for the bill, again, as I say, if it were a Republican bill or a Democratic bill or the Governor's bill or my seatmate's bill. I just don't believe that government should continue on the road that it has continued for the past 40 years.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Very briefly. It is refreshing that Representative Brown has laid out the real issue for us so very clearly this morning. If you are for this bill, you will vote for it. If you follow his advice, you will vote against it.

But as a footnote, I believe the President also said he was trying to make some changes in the federal law so that we could use tax exempt bonds more easily, the same kinds of bonds which are proposed in this proposal.

So let's make the record clear, you are for the bill or you are against it, and today you have a chance to show it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, I would like to gloss over the gentleman from Livermore Falls, Mr. Brown, for a couple of seconds. He wouldn't say yes on his death bed. Some of us are born broadminded, some of us are born narrow-minded, and he is just as narrow-minded as a Gillette Blue Blade. To make him say yes, I spent 15 minutes six weeks ago right out back.

To my dear friend in the left-hand corner, he kept talking about playing politics. I didn't mention about politics, I just said in my remarks that I had hoped that this would not become a partisan issue, particularly in view of the fact that one sponsor and three cosponsors, two Democrats and two Republicans were on this bill.

He talked about let's wait awhile before we pass this thing. After today, we have got four more days to go, unless we go along with the moans and groans of the leadership as to what in good graces they are going to do. If he says, let's wait before we pass this bill because once it is out of here we have no control over it, then let me ask him a question—does he intend to recall every bill that has been passed and enacted by us and put on the Appropriations Table in the Senate? Does he intend to recall all those bills? Does he intend from now on, when bills are enacted with a price tag on them, to table them also? If he is going to do that, there is only one way he can succeed—pass an order setting up a House Appropriations Table. That is the only way he can do it.

I am getting to like the fellow, this gentleman from Kansas, Senator Dole. After the President got through last night, and I watched two stations, one at six thirty and one at eleven, I happened to be awake, and I heard Senator Dole say, I am saying to the President and I hope he is listening, we have to play together.

We are going to have to fish or cut bait somewhere along the line, we are going to have to move these bills on. To hold up this bill is, to me, a little bit foolhardy.

I have a lot of respect for Mr. Dillenback, but he says we ought to table this bill without giving us any reasons why. Mr. Higgins gave us a reason why, but he is wrong. I am waiting for Mr. Higgins to come up here and every bill that has got a penny on it, I am expecting him, if he votes against this measure, to table them, to do the same thing that he did yesterday at the caucus, his caucus, and I know what happens at the caucus. You are in Room 228, Mr. Higgins, and I know that room pretty well. You might have to change your headquarters pretty soon.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I rise not because I think this bill should be tabled but because in the deepest recesses of my heart, I think it should be defeated, and I hope that I can speak to this motion with all the enthusiasm of Representative Carrier going after a judicial pay raise.

I can think of four good reasons for starters. Number one is a small matter but it is a four and a quarter million dollars that is going to come out of the General Fund. I believe wholeheartedly in our Appropriation Committee's ability to hold a bulldog watch on that appropriation fund. However, I think when we say appropriation fund, the General Fund, when we talk about the General Fund, it really doesn't bring anything to mind. All that General Fund is, ladies and gentlemen of the House, is our tax money, and the two chief components of those tax dollars are sales tax and personal income tax.

Now, in that sales tax is included sales tax from mothers who receive aid for dependent children; also it includes sales tax from people who receive fuel assistance and other elderly people. These are not rich people. Income taxes are included from people who are making \$12,000 a year, and they are being asked to subsidize mortgages of people who are making \$27,000, and the bank won't even talk to somebody making \$12,000 a year whether or not we pass this. That is number one, and I think it actually borders on the macabre to ask these low income people to subsidize much higher income people.

Number two, although in the total scheme of things, \$60 million isn't a lot, but it will increase upward pressure on interest rates. Anytime people go to the bond market to seek loans, it does increase that upward pressure, and by so increasing upward pressure, it is going to be just a little bit longer before the people who are not included in first-time mortgage borrowers, it is going to be just that much longer before they can get more accessible, to them anyway, interest rates.

Number three, a couple weeks ago, when we were talking about piggybacking, there was a lot of concern expressed about a federal deficit. Okay, I can almost hear David Stockman's voice somewhere in the background saying, what are you doing to me here?

The Governor's booklet, and I hope you all have read it, the proposal, the total overall rental savings, mortgages payment savings, is going to be \$37 million. All right, that is not just out of the blue, that has got to come from somewhere, and I think the price is pretty high. That net saving is occurring because we are changing taxable mortgage interest income into non-taxable bond income, which reduces

the mortgage. Now, just rough calculations, that \$37 million of savings translates into \$15 million of increased federal deficit and about \$3 million of lost state income in addition to the \$4.25 up front money.

I think my fourth and final reason for being against this is the most important one. For years now, we have had programs, I can't remember when a program has gone off the books, I guess some have but I can't remember them, maybe some older people can, but here we are encouraging a whole new group of people to become dependent upon their government instead of upon themselves. Ladies and gentlemen of the House, I think that is a terrific price to pay.

Whatever these arguments are, they are not partisan arguments. This has nothing to do with party, and even if there is only one vote against, I am sure of one that will be against this bill, no matter when it comes to the floor, but I hope today there are going to be at least 50 more.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't help getting up on one of the things the previous speaker stated, this macabre, that we are helping this income level people. This is the first time that I have seen a bill in front of this house, and probably many Houses of Representatives, and even in Congress, that for the first time is helping the people who have been paying the bills for all the programs we have had in the last 40 years, which Mr. Brown alluded to also.

These are the income level, the silent majority people, who are paying the bills for everything the government has been doing, and for the first time we say, "it's your turn." And now somebody says no, it's macabre to do that. Let them pay for everybody else but don't give them back anything. That is unbelievable. They are the ones who are paying the bill for us to be up here to represent them. They are the ones that pay for all the general and welfare assistance programs, and for once we say you deserve a little something, we will help you for a change. That is unbelievable.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I am glad the last few speakers have really talked about the substance of the bill and their personal feelings and philosophies on whether or not this is a good program, because that is, indeed, what is before us.

Now, nobody likes a partisan fight as much as I do; occasionally, I will even enter into one, but today we have been totally off track as far as the direction we should be taking on this bill.

The question before us should be and should only be whether or not this is a good bill. The Committee on State Government unanimously said yes, this is a good bill. There were one or two members of that committee that said maybe on the floor they would support an amendment to change a minor part of it or so, and we know what happened with that and we know the results of that. But overall we said this is a good bill, and when it gets down to finally enacting this bill, we are going to go with it. And as you heard the gentleman from Cumberland, Mr. Dillenback, state, he believes in the bill, he understands the need for it and he is willing to give it his support.

Representative Martin from Brunswick, I think, is one of the best people in this House at expressing the way she feels in her heart, really letting out what is in here, and I think that is what we have got to do today. We have got to vote the way our hearts are telling us to vote. To do that, we have got to say, is there a need for this bill in Maine? And unquestionably, in my opinion, there is most definitely a need for it. Anybody who has sat through the year that we have been working on this bill and heard the testimony presented from people

from all aspects of life, the people who are looking for homes, the people who build homes, the people who supply builders of homes, everybody involved in the housing industry has mentioned and has clearly stated that the housing situation in Maine has reached crisis proportions and we have to do something about it.

Another thing we have to keep in mind if we are going to vote fairly on this bill is whether or not it is a good investment. Is the \$4.2 million of state money that we are going to be asked to appropriate, should the Appropriations Committee and leadership say yes, whether or not that money is a good investment? That money will generate \$60 million to the Maine economy this year, and it will generate that money from out of state. These bonds that we are talking about are going to be sold on the national market; they will bring \$60 million into Maine this year. That is a pretty big chunk of change.

I think that what we have got to do is say—look at that, look at the money involved, look at the merits of the bill and say, is it worth it? If we can put in \$4 million plus of state money and multiply that by 20 times, that is going to take care of any worries we have that Representative Walker mentioned as far as whether or not the taxes that are being paid by people are going to be recouped by the state. They are going to be many times over, and that matter we have dealt with at the very beginning and it is very clear that that is so.

Again, I must say I respect those in this body who say they are voting the way their hearts tell them. Representative Walker feels very strongly philosophically on this and I respect him for that. Representative Martin from Brunswick feels very strongly, I agree with her and I respect her as well as Representative Brown from Livermore Falls, but I ask you all, don't vote on a partisan basis. This is one issue that clearly should not be a partisan issue, it is a matter that we have to discuss and we have to do it in a non-partisan situation if that is at all possible.

I ask you to vote with your hearts. Do exactly what Representative Martin suggested; vote with your heart. If your heart tells you this is a good bill, vote for it. No matter what anybody else tells you, vote with your heart. That is all I ask.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read an excerpt from a speech given by one of my constituents, Mr. Colin Hampton, President of Union Mutual, addressing the Maine Development Foundation at its annual meeting a few months ago.

"The other day a friend of mine was telling me about a man he knew. He was from New York, I believe, he said. He was born in a county hospital, educated in public schools, went to college on the GI Bill. He went to work for a defense contractor, financed his home on an FHA mortgage, and after a few years started his own business with an SBA loan. He lives in a fine community and insists on the best municipal services and vacations in national parks, which he drives to over the interstate highway system. He just retired early and a cooperative doctor friend has helped him to get a disability benefit from Social Security, so he is eligible for Medicare too.

"Since he has got some spare time, last week he sat down and wrote his legislator protesting excessive government spending and a loss of individualism."

That is what I call an attitude problem, a real barrier. I think we have heard some of that this morning.

I want to tell Representative Dillenback that he is not going to be alone on this side of the aisle. I am going to vote for the bill too, because I truly believe that if we don't pass this legislation, the doors of the Maine State Housing

Authority are going to close. So if you want to keep those doors open, you will vote for this legislation.

I want to add a few facts about what this \$4.25 million is going to generate. It is going to generate \$60 million, \$40 million of which will go to the first-time home buyer program; \$10 million for rehabing existing homes; and the other \$10 million for energy conservation rehabing. That is something that the \$4.25 million is going to generate.

And remember, this fund is a revolving fund. Over the lifetime of the mortgages, that \$4.25 million is going to be returned, so it is a revolving door of opportunity for Maine home buyers.

How many jobs will be created? It is estimated that 612 jobs will be created by the construction, generated in just the first year of the operation of this program. That is nothing to sneeze at, 612 jobs.

Would tax dollars be generated? Yes, new construction, existing and rehabilitated single-family homes purchases will generate sales of property and income dollars of about \$1.1 million during the first year of the program.

Would state and local budgets therefore benefit? The answer is yes. The \$4.25 million spent to bring \$60 million into the state would generate \$9.3 million in taxes from all components of the program over a 15 year program. That would amount to a net return of over 14 percent on the state's investment. That's not bad.

This is not a handout program, it is a helping hand for most Maine citizens, probably about 85 percent would be eligible under the income guidelines, and its positive ripple effect you can see in these figures that I have just quoted to you.

Finally, is there a need for new housing or rehabed housing? The Maine State Housing Authority estimates that in the 1980's, there will be a need of 7,000 units per year even if there is no population growth. Now, you know we grew during the seventies. If we continue to grow the way we did in the seventies in the eighties, the need will be 14,000 units a year.

Ladies and gentlemen, I do urge you to vote for the bill when the vote is taken.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The gentleman from Livermore Falls, Mr. Brown, is correct. We are suffering the after effects of the period of rampant inflation, but I think if we subscribe to his philosophy, I think we have to look beyond the rhetoric, and if we subscribe to the theory that the situation will correct itself, one of two things is going to have to happen. Number one, house prices would have to dive in value to the 1960's level; or, wages which grew at 65 percent in the 1970's would have to race ahead this year to the 460 percent level that housing costs grew in the 1970's.

If I remember my basic economics class, for that to happen it is called inflation, 395 percent in one year, and I can't believe Representative Brown would be for that.

As a teacher, I urged our young people to stay here in the State of Maine, that they were wanted here. I talked with most of them. Many of the banks in our area aren't even offering mortgages. Those banks that are require 20 to 30 percent down, ten to twenty thousand dollars down in cash; they can't do it and 76 percent of the Maine people can't.

I think if we fail to enact this bill, this positive response to that need, I think we can send a message to those young people—leave, get out of the state.

The new Federalism has at its heart the belief that we at the state level can best meet those needs. Is this how is it going to work in practice, to completely ignore those needs, to ignore, not respond to an estimated shortfall of 5,000 housing units a year?

The American dream has ingrained within it the opportunity some day to own a home. Is

there anyone in this chamber who doesn't believe there is a housing crisis out there? Houses in my district that normally turn over quickly on the market are now looking at a second season with "For Sale" signs out on the front lawn.

People who used to have their own home building crews had to lay those crews off and now work by themselves, if they are lucky, remodeling kitchens or repairing roofs.

This is the only housing bill before us. Those of you who are opposed, where is your alternative? Or will the philosophy be here in the State of Maine "survival of the fittest?"

This bill is more difficult to pass because it is an emergency bill. It carries that emergency provision so that it can go into effect now, at the beginning of the building season. Without a positive step here today, we may see the creation of a generation of tenants, an erosion of the American dream of one day owning a home.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Lest anyone forget what I said at the outset, or perhaps be confused by some of the ensuing debate that has transpired, I think it is clear from the debate that there are Republicans in the House who support this piece of legislation. There are obviously Republicans who intend to vote against the legislation for their own unique and individual reasons, and that is fine. But at the same time, there are people like myself who feel that there are other issues that are as important, that have to be resolved, that have to at least be talked about before we can make a final decision on this bill today.

Somehow people might lead you to believe that if this bill fails of enactment here today that, my gosh, the bill is gone, it is dead, we won't have a housing program and we have somehow failed our constituents back home. That, I would remind you, is far from the truth. There are a number of alternatives and this bill certainly is one of them, and I can assure this body that it is not going to die.

What I really got up to say, and I have been thinking about it for some time because there has been quite a bit of debate in the interim, is the remarks of the gentlewoman from Brunswick, Mrs. Martin, because I, too, respect her opinion and her sincerity as much as any member of the opposition party here. She said she was ashamed of this body and the position perhaps that we have taken. Intermingled with that, I guess, is the assumption that we are somehow intending to embarrass the Governor or somehow we are intending to play party politics. Let me make it clear right now that the majority party in this House knew our position yesterday on this bill, and had we wanted to, this bill could have laid on the table. There are a number of ways in which we did not have to deal with this today, but I submit to you that it is their intentions, or whatever, by forcing the vote they are playing party politics perhaps a little bit.

It was clear yesterday, people from the Governor's office were notified that we had some concerns with the legislation and how it fit into the total spectrum of issues before us. You can call it playing party politics if you would like on our account, but it would have been just as easy to have set this bill aside and saved us an hour and a half of debate time when the lights go up there and it doesn't mean what it really means.

We went round and round on this last year on the gas tax, people voting for it when they were against it and voting against it when they were for it; it is stupid.

I guess I would say that there was a way that this all could have been dealt with in good faith and it could have been dealt with in such a manner that we would not appear, at least to me, that we are attempting to be embarrassed, and I think that is unfortunate, because I don't intend to be embarrassed about this. I have said from the outset my position. I have told my people back home and I think the issue is clear.

It is funny how when the majority party wants to do something, they have the votes to do it on a simple majority, and I don't find any fault with that. I know my place as minority leader in this House, but when they want to do something, it takes a simple majority vote and they do it, and I don't accuse them of playing party politics. Sometimes I do. But on the big issues where you need a two-thirds vote, if the minority party takes issue with what the majority party is trying to do, all of a sudden the roof caves in and people say—you're playing party politics. Somehow I don't see the difference. If the only time we can speak up and be effective is on a minority vote when it needs a two-thirds, why should that be playing politics anymore than when the majority party in the House moves to table a joint order that I sponsored today or moves to indefinitely postpone a particular bill that they are not pleased with? I don't have any problem with that, but don't turn around and say that we are playing party politics on an issue like this when we have shared our concern, our determination and our intentions right from the start. It would have saved us a lot of time, a lot of energy, but I guess the press wouldn't have anything to report and maybe that is too bad.

Finally, I don't think that the doors of the Maine Housing Authority are going to come slamming shut if we fail to enact this bill today.

As I told you before, this bill is not going to become effective until the Governor signs it, it is not going to become effective until after the last day of the legislative session, whether it sat in the House or whether it sat in the other body. A simply delay here in the House is not going to really make that big of a difference here.

I can appreciate the concerns and the outpouring of feeling that this is not a partisan issue and vote with your heart and all the rhetoric that goes with that, but at the same time, we as a minority party, as Republicans, have a concern. We have shared it with you; we would hope that you would respect that opinion.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The more I hear the good gentleman from Scarborough, Mr. Higgins, talk, and the more I hear his party speaking on the issue, the more I seem to feel that their caucus is not unified. Being a Democrat and proud of being a Democrat, I know my party doesn't seem to make any political hay out of any bill, especially the income tax bill, because I voted with the good gentleman on the income tax because I felt my people wanted this. Whatever you feel your people want, I believe you should vote for. Let's cut this malarkey and bull and vote on it.

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

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I really haven't consulted my heart on this issue, but I sent out 4,600 questionnaires at my own expense. I got a very good return, and of that return, 89 percent on question eleven on my questionnaire which said, do you think that taxpayers' money should be used to subsidize mortgages to stimulate housing—89 percent said no.

Mrs. Kany of Waterville was granted permission to speak a third time.

Mrs. KANY: Mr. Speaker and Members of the House: I just felt that I should rise as a result of the gentleman's question on his questionnaire. We are not talking basically about subsidies, we are talking about floating tax exempt revenue bonds and allowing that lower interest rate to be passed on to those who want to take out mortgages for either purchasing a home, energy conservation purposes or home improvement purposes. Most of that program will not have anything to do with interest subsidy.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dillenback, Dudley, Erwin, Fitzgerald, Fowlie, Gowen, Gwadodsky, Hall, Hayden, Hickey, Higgins, H.C.; Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterton, Matthews, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, P.; Pearson, Perry, Pines, Post, Pouliot, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Smith, C.B.; Soulas, Soule, Swazey, Telow, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Aloupis, Armstrong, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, McPherson, Nelson, A.; Paradis, E.; Paul, Perkins, Peterson, Randall, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Austin, Dexter, Hobbins, Laverriere, Rolde, Strout, Tuttle.

Yes, 87; No, 57; Absent, 7.

The SPEAKER: Eighty-seven having voted in the affirmative and fifty-seven in the negative, with seven being absent, the Bill fails of passage to be enacted.

Sent to the Senate.

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

Bill, "An Act to Establish a Small Claims Court" (S. P. 743) (L. D. 1746) (C. "B" S-427)

Tabled—March 29 by Representative Carrier of Westbrook.

Pending—Motion of the same gentleman to Reconsider Passage to be Engrossed.

Thereupon, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of Mr. Carrier of Westbrook, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" was adopted.

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

House Amendment "A" to Committee Amendment "B" (H-705) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: Just by way of explana-

tion of the bill, this bill does make a revision in the small claims law. The amendment that Mr. Carrier is asking us to accept today would provide that each and every notice given to a defendant in a small claims case be given by either certified or registered mail.

Currently, the initial notice to the defendant in a small claims case, and those are cases dealing only with items or cases under \$1,000 and are dealt with in the district court, currently the initial notice is given by certified mail with a return receipt, so the court has proof that the defendant has been served.

In the year 1981, there were 21,063 small claims cases. The amendment is asking us to not only provide certified mail in those initial cases but in all future correspondence with the defendant. Not only is this a great additional cost, since the cost of certified mail or registered mail varies from \$1.55 to \$2.55 whether or not you require restricted delivery or require a notice of receipt. Besides the cost, we should also point out that the existing law with regard to cases not handled in the small claims court requires an initial notice either by personal delivery by a sheriff or certified mail. In those cases, after that initial notice to the defendant, all other notices are generally by regular mail.

Mr. Speaker, I would pose an inquiry to the Chair. Is there a fiscal note attached to this amendment?

The SPEAKER: The Chair would advise the gentleman from Westport, Mr. Soule, that the amendment nor the bill contains a fiscal note. Therefore, prior to the bill leaving, regardless of what happens to this amendment, the fiscal note will be required on the bill itself as well as the amendment. So at this time, the amendment would be proper.

The SPEAKER: Would the Sergeant-at-Arms please escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum for the purpose of acting as Speaker Pro Tem.

Thereupon, Representative Gwadosky assumed the Chair as Speaker Pro Tem and Speaker Martin retired from the Hall.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: I have just been through briefly the major reasons why I am opposed to the amendment. It is primarily the cost and, as I indicated, there were 21,000 small claims cases filed last year. If we are going to require the court to issue certified mail in each and every case, this is going to be a substantial burden on the court system. Additionally, this would be at direct variance with the existing procedures in other cases handled outside the small claims system.

For those reasons, I would move that we indefinitely postpone this amendment.

The SPEAKER Pro Tem: The gentleman from Westport, Mr. Soule, has moved the indefinite postponement of House Amendment "A" to Committee Amendment "B".

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

Mr. CARRIER: Mr. Speaker and Members of the House: I do hope that you will vote against the indefinite postponement, and I would like to give you a few reasons.

We are dealing today with somewhat the same facts that we did a couple days ago where actually the intentions were not to hurt the plaintiff or the defendant by lack of notice, but whether the intention was there or not, that is what the bill called for and that is what this one calls for.

Actually, I think whether you are the defendant or plaintiff, you are entitled to proper notice. And under the bill itself, without my amendment, they would be served the first notice, and the first notice only. My amendment will say that all notices have to be either registered mail or certified mail.

To clarify the cost, which was just referred to a few minutes ago, the cost, again, is not the same as was stated, because the cost for certified mail is 95 cents and not a dollar something, whatever was stated.

This particular bill is a little different than the one we tackled yesterday or a couple days ago.

Let me call to your attention that a couple of days ago, and I am coming back to the issue, Mr. Speaker, we did pass and put registered or certified mail on the child support law and I think this was a great thing to do. We did pass it and we did send it back to the other body, and the other body, on Supplement No. 2 on your desks now, have agreed to go along with it, and I think that is a great accomplishment, not for me but all you people here who voted to do this. I think that this particular bill requires the same consideration, if not more.

The fact is, ladies and gentlemen, that as it stands right now, the other body accepted Report A. We are in non-concurrence. At that time, my amendment was geared to Report A. That is why I asked for one day and it is the same amendment that I had but now it is Report C which we accepted in the House yesterday.

I suggest to you that it is extremely important to you and to others that you do have proper notice. And proper notice, ladies and gentlemen, is not by registered mail. They can claim all they want about registered mail, but there is no proof at all to show that it ever was sent, much less received, and you can lose your rights. I am very scared and worried about having a judgment against me and I never had notice of it.

They say you can call the courtroom and keep track of it after the first notice. I believe that most of the people, and even myself, would have a hard time to find out what the procedure is and just what kind of a response you would get from them if you were to ask them just where do we stand on that particular case.

I say, unless I hear any different, in committee we had some people that came up there and here are a few notes that I took of what was said. They said it is a constitutional requirement that the notice be sent by registered mail. It also says that the statutes provides that both parties are to be notified by certified mail. And on the disclosure, certified mail is to be sent to both parties. We do this, this is what the law is at present, and apparently, it was never said to me, it must have been said in secret to other members of the committee, that the cost was \$7,000. Well, I wish to suggest to you that actually the cost of \$7,000 is a very small amount to be applied to the cost of courts in order to save the rights of the people of this state.

Also, the Speaker said we will need a fiscal note. Maybe so. I don't believe that you need a fiscal note. There was no fiscal note on the others and I don't think you need a fiscal note and I would like to tell you why. It is because the cost of sending notices can be included in plaintiff's bill or it can be included in the defendant's bill at the discretion of the judge. If he wants to do it that way, he can. If he wants to let the courts pay for it, that is his choice, but regardless, it is the best investment we can make for the people of this State, making sure that they get proper notice on any claims, whether it is the small claims court or any other court.

I will tell you, ladies and gentlemen, at the hearing something extremely important happened. We had a judge with approximately less than a year's experience come down there and suggest to us, and I will read from the notes that we got, and it says in one place: "Notice of hearing to the plaintiff. My clerk, through ordinary mail, sent notice to the defendant with statement of claim through registered mail." The judge said and here is a quote: "too many registered mail requirements in the current law." I am very upset and surprised that a

judge would say this, but I am not surprised because of the particular judge that said this. This is the type of statement you would expect from that type of people.

They would just lead you to believe that there is too much work, too much work to send a letter certified mail. There is another one here—too many registered mail requirements under the current law. Why is it so hard to send registered mail or certified mail, if you had the interest of the people in your mind? I think as legislators that is what we are supposed to do.

Let's consider our constituents and this is an amendment which should be in there, it was in there, they are taking it out and I am putting it back in for all the notices, and I do hope that you vote as you did yesterday or the day before, against indefinite postponement of this amendment.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As far as the fiscal note on this amendment, I really believe that there should not be fiscal note because as Representative Soule has said, they are presently doing it. The amendment would say that we will continue doing it. I don't see why it should cost any additional money because we are doing it right now. The Constitution says that we have to do it.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify a couple of items. The Constitution says nothing about certified mail. It does require due process; it requires that the defendant receive proper notice of the hearing and of the procedure that is involving him.

As I said before, in all other cases outside of the small claims system, we now require that notice be given either by personal service or by certified mail. This acquaints the defendant with the action that is being brought against him and then the courts have determined that there is some obligation for that person to keep in touch with the system and to insure that his rights are being protected.

All of the people who testified at the hearing seemed to feel that adequate notice is now being given under the current system. In the small claims system now, the initial notice is given by certified mail and return receipt is required. Reasonable people certainly can differ as to what is good notice in these cases. It was the committee's feeling that there is, in fact, a little bit of overkill in the notice that was given and this is a significant cost savings to the system.

The dollars and cents that we are talking about are not small in any instance. We are talking about 21,000 cases before the small claims court, and under the amendment that Mr. Carrier has presented, there would be an additional notice besides the one that is now given, so there would be an increase.

I would urge the indefinite postponement.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I do agree that in the present constitutional requirements, there is nothing about certified mail, but I do challenge that there is something, that the constitutional requirement says that it is to be sent by registered mail. I am not being technical between registered and certified, but don't you let yourselves be misled either. The present law says that it has to be through registered mail.

All they are doing, and this has happened to two or three of the bills we have had up in the Judiciary Committee, there seems to be a trend among the bureaucracy of the judicial system to do away with notices, or 99 percent of the notices, and also to do away with hear-



ings on certain matters. I think this is awful, I really do. I don't know where they get this thing, they just want it their way whether you get hurt personally, money-wise or any other way.

So, I suggest to you that you vote against the indefinite postponement.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would also urge you to go along with indefinite postponement of this amendment. In addition to what Representative Soule has stated, I just happened to mail a certified letter myself yesterday out of Augusta to Portland, it was just a regular letter, it cost \$1.55. If you are talking about over 20,000 cases, that conservatively is at least \$20,000 more added of the cost of the court system.

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

Mr. RACINE: Mr. Speaker, I would like to pose a question through the Chair. Do we have any evidence that we have a problem in people not receiving proper notification and, if so, to what extent is this problem? Would somebody care to respond to that?

The SPEAKER Pro Tem: The gentleman from Biddeford, Mr. Racine, has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker and Members of the House: Before our hearing there was no evidence at all submitted as to any problems with notice being given. I have been practicing law for 10 years and a fair amount of that in the small claims court, and I have never had any problems with that particular matter.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Some of you know that I do oppose the gentleman from Westbrook once in awhile, but on this occasion, I want to rise in support of his bill and his amendment.

I just want to share with you members something that happened in Augusta not too long ago, which was a minor case in small claims court. A tenant who rented an apartment in my district, the landlord had him evicted because he didn't pay, he damaged the apartment and wanted to bring him to small claims court. They set a date about two months from that time, the judge set the date or the clerk of courts did, and he didn't appear. Sent another notice, why didn't you appear—well, I didn't know about it, I never got the letter. He receives 99 percent of his mail but he doesn't get court mail.

He got another notice, he failed to appear that time and he said he had to work that day, that he was tired and that he couldn't do both and do overtime and go to court in the morning.

What they do is, they use this, it seems to me, not to violate the law but to go around it, and if we are going to give some real teeth to this whole small claims court process, it seems to me that an amendment and a bill that Mr. Carrier is proposing just makes sense. Let's put some real teeth, not the cost—look at the cost to the defendant, look at the cost to these people who have been wronged and don't have to hire a lawyer, don't have to go to these expensive firms and hire \$50, \$70 and \$80 an hour attorneys to defend them. They want to do it themselves; it is the basic American principle, I think.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Biddeford, Mr. Racine, has asked a ques-

tion—are there any problems, and Representative Soule says there aren't any problems. I would suggest that if we start mailing by regular mail, we will have problems.

The SPEAKER Pro Tem: The Chair will order a vote. The pending question is on the motion of the gentleman from Westport, Mr. Soule, that House Amendment "A" to Committee Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 60 in the negative, the motion did not prevail.

Thereupon, House Amendment "A" to Committee Amendment "B" was adopted.

Committee Amendment "B" as amended by House Amendment "A" thereto was 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:

Bill, "An Act Making Appropriations, Authorizations and Allocations Enabling the State Planning Office to Administer the Small Cities Program Community Development Block Grant" (Emergency) (H. P. 2263) (L. D. 2108)

Tabled—March 29 by Representative Armstrong of Wilton.

Pending—Motion of the same gentleman to reconsider Passage to be Engrossed.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: One of our fellow Representatives last year made a comment about the table being set—you know you must be getting near the target if you start getting a lot of flack. Yesterday, after making the motion to table, I started getting a lot of flack so I figured I was getting near some target.

Community Development funds might be described as the golden bull, a little bit of something for everyone, everyone seems to like them. Town Managers like to play with pride to their achievements in snaring federal funds. Community development directors and city planners like these funds because it gives them jobs and a reason for their existence. Those in-targeted areas like these community development grants because they either get outright grants or low interest loans. Contractors like these community development grants because it is a make-work program, it creates jobs for contractors to bid on. Probably the only one that I haven't heard from since making the motion was the silent majority, the taxpayer who ultimately pays the money that goes to fund these community development funds.

As long as the federal government is foolish enough to keep this stream of money coming, I think towns are only smart trying to get in and get their share of this money. I really don't find any fault in that. My own town has taken advantage of several of these community development grants.

And I certainly don't have any problem with the state handling these community development funds instead of the federal government.

My only problem on this is, yesterday after this bill was passed to be engrossed under the hammer, I thought I remembered something I didn't like but I had a problem finding it in my pile of things here, I did find out what my objection was.

First, we are talking about \$300,000—the federal government, in its largess, says fine, we will let the state of Maine handle these monies but if they are going to handle them, they are going to have to put up \$100,000 of state General Fund money. I always thought these federal grants came down with enough money allowed in them, 5 percent of their total amount, for administrative purposes so you didn't have to

come up with your own money.

The second thing that I found looking at the bill is that this creates five new jobs at the State Planning Office. We are talking about roughly \$300,000—\$100,000 from the state and \$200,000 from the federal government is going into the administration of these things. The proposal calls for funding five new positions in the State Planning Office for \$150,000 roughly, and for giving the other \$150,000 to the Regional Economic Planning Commission and for the \$150,000, they are supposed to give technical assistance to the towns to handle this money.

The only thing probably that bugs me about this is, as I say, my own town has been a recipient of these funds and I am sure is going to apply for more money, the only thing that bugs me is that every time the state takes on a new program, I don't know how many thousands of people we have in our bureaucracy, apparently the State Planning Office I am told has at least 25 employees, but every time we take on something, it involves going out and hiring new people and adding to the bureaucracy.

I am surprised in a program no bigger than this we don't have someone already working for the state that can handle these monies. So I guess if I have any objections it is hiring five new people to handle this money at the state level. I also have some reservations of turning over \$150,000 of these administrative costs to the Regional Planning Commissions for them to be giving technical help for the towns to apply for these monies. Again, I thought when the towns joined and paid their dues to the Regional Planning Commissions this technical help was something they were supposed to be getting for their current dues.

Before this went under the hammer, I did want you to know that you are expanding the state bureaucracy, you are adding five new positions, there is a total annual cost of \$300,000, \$150,000 in wages for new state employees and \$150,000 for the Regional Planning Commissions.

I would ask simply for a roll call on the pending motion.

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

Mr. LANCASTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read a brief description of what this bill is composed of. This bill is presented in two parts. Part A authorizes the State Planning Office to assume administration of the program, and allocates the federal block grant funds in the sum of \$10,090,000 to the Planning Office. Because the federal and state fiscal year do not coincide, some of the 1982 federal funds are accounted for in the 1983 state fiscal year. As noted in the bill, 98 percent of the federal funds will be distributed to local governments; the remaining 2 percent is the allowable amount for administration costs.

The state must match the federal dollars used for administration on a 50/50 basis. This match will be provided by the funds requested for technical assistance and from existing State Planning Office resources.

The \$10 million will be divided three ways: first, \$4.2 million of federal funds will be used to support nine communities which have previous HUD commitments for 1982 funding. These are Biddeford, Caribou, Fort Fairfield, Fort Kent, Houlton, Presque Isle, Rumford, Saco, and Van Buren.

Second, \$5.7 million of federal funds will be used to fund communities under the annual general competition. This will be similar to the annual competition for funds held by HUD in past years, with two important differences. The application process will be simplified, making it easier for small communities to compete. The range of activities to be funded will be broader. This will allow more flexibility for Maine communities to design projects which fit HUD's scoring system. For example,



communities in the past have tended to submit housing rehabilitation proposals, feeling this would be the only program funded. This year, we expect to receive applications for small business revolving loan funds, post renewal activities, and alternative energy projects, as well as the more traditional housing rehabilitation and downtown renewal projects.

Third, the final category of funding includes \$200,000 in federal funds and \$100,000 in state funds earmarked for program administration. \$150,000 of the federal administrative money will be used to support a core staff of five people in the Maine State Planning Office: a Program Director, three field representatives, and a secretary. It will also be used to sponsor workshops in specialized technical areas of housing and economic development.

The remaining \$50,000 of federal money, along with the \$100,000 in state funds, would be used to support a small community technical assistance effort, to be provided by regional organizations throughout the state. This is a key element in assisting small communities to participate successfully in the program.

With this technical assistance program, local officials will be informed for the program through mailings and workshops, assisted in conducting need surveys and preparing applications, and helped in starting up new programs. The assistance will be provided through existing, regional, non-profit agencies experienced in community development.

The second part of the bill, Part B, contains statutory language enabling the State Planning Office to act as the public agency of the state for the purpose of accepting and distributing the Community Development funds.

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

Mr. BRENNERMAN: Mr. Speaker, Members of the House: It is fortunate that the state has control now, or will have if we pass this bill, of the Community Development Block Grant Program. It is unfortunate, however, that the state is forced through the federal legislation to match federal funds for administration, and also part of the theory of block grants is that the states control the programs; however, with this program, when you control it you also have to administer it.

In the State Planning Office, we would have to have five people who would work full-time on administering the program, sifting through the great many proposals that will be submitted by the towns and cities of this state.

Rather than use all of the administrative allowance of 2 percent, for across the state funding of \$100,000 for administration, the State Planning Office and its advisory committee, of which I am a member as well as Representative Lancaster, Senator Ault and Representative Kany, decided that a technical assistance program would be the best way to use this money to help a lot of communities who cannot, at this point, compete for the available funds, to in fact be able to compete.

In the state of Maine there are many communities who do not have the available funds, to in fact be able to compete.

In the state of Maine there are many communities who do not have the available people working in their town halls who can prepare grants for the Community Development Block Grant Program and therefore fare very poorly when it comes to receiving funds from Manchester, New Hampshire, which is where the program is run now.

The bill is partially a result of a summer's work and fall's worth of work by an advisory committee to the State Planning Office, which I said, I and several other members of the Legislature are members as well some town officials and some other people who are interested in this particular program. We felt that the system that we used to administer the program was the best possible one that we could find for

the state to run the Community Development Block Grant Program of \$10 million.

I would ask that you do vote against the reconsideration motion and vote for this bill.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I want to commend the gentleman from Wilton for bringing a couple of matters regarding this bill to our attention this morning. I would just simply like to direct a question to anyone who may be able to answer it—It has been answered, I missed it.

I guess that I am concerned when I see that we are increasing the state's role in anything, and when I look at this bill, I see that we are adding another five positions to the State Planning Office. Was consideration given to the fact that there are already 25 positions over in the State Planning Office and could this program have been implemented without creating new positions?

The SPEAKER Pro Tem: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, this has been designed to do just what Mr. Brown would like to have it do, because it gives the state control for the first time instead of some office in Manchester.

The second question that he asked was, did they have sufficient staff and we in the committee believe that they needed the five positions in order to carry this out because they are going to be writing or helping write the small towns' proposals for these particular grants that are going to be awarded.

I would like to say parenthetically, on a personal note, that I think Toby would like this bill.

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

Mr. LANCASTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few comments to Representative Brown. As Representative Brennerman said, he and I both, along with Representative Kany and Senator Ault, are members of the advisory committee. I personally have been over there and checked all of the people that work in there to see if they had proper qualifications, the number, and it is absolutely necessary to add five new people. If it wasn't, I most certainly would not stand up here and say that it is, because they just don't have the proper staff and had it been referred to the Housing Authority or to the Economic Development, they still would have needed five more people. That definitely is not an issue as far as I am concerned.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker and Members of the House: Apparently, the only alternative we have—I certainly think that my good friend, Representative Lancaster, looked into this and if he says we need five new positions to handle this, I wouldn't argue with him on that.

The only alternative that we obviously have, apparently we had an option in this program, whether or not the state wanted to handle these monies or leave it with the federal government. If we leave it with the federal government, we save \$100,000 of state money and all we can do is weigh how much more good we can do by handling money on the local level, as far as I am concerned, with this \$100,000 expenditure for five new positions.

At this point in time, I assume that nothing can be done on that score, so I would withdraw my request for a roll call and let this bill go along its way.

The SPEAKER Pro Tem: The gentleman

from Wilton, Mr. Armstrong, withdraws his motion for a roll call. The Chair would inquire if the gentleman wishes to withdraw his motion to reconsider?

Mr. ARMSTRONG: Mr. Speaker, I will so withdraw my motion to reconsider.

The SPEAKER Pro Tem: The gentleman from Wilton, Mr. Armstrong, withdraws his motion to reconsider.

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

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

Bill, "An Act to Clarify the Criminal Restraint by Parent Law" (H. P. 1969) (L. D. 1944)

Tabled—March 29 by Representative Tarbell of Bangor.

Pending—Adoption of Committee Amendment "A" (H-700).

On motion of Mr. Tarbell of Bangor, retabled pending adoption of Committee Amendment "A" and later today assigned.

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

Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 2239) (L. D. 2098) (H. "B" H-696) (H. "A" H-702 to H. "A" H-695)

Tabled—March 29 by Representative Norton of Biddeford.

Pending—Passage to be Engrossed.

Mr. Norton of Biddeford moved that the House reconsider its action whereby House Amendment "A" as amended by House Amendment "A" thereto was adopted.

Mrs. Berube of Lewiston requested a roll call.

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

Mr. ROLDE: Mr. Speaker, I would request a roll call. I hope you will defeat this reconsideration motion. This is the issue that we discussed yesterday dealing with developmental day care for retarded children. The House Amendment was adopted by us by an overwhelming vote. It was then amended by the gentledady from Lewiston, who put in language to assure that these funds would be spent as they were supposed to be spent and, therefore, I don't see any need to reconsider this. We had a three to one vote on this yesterday and I hope you will stick with your original position.

The SPEAKER Pro Tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I ask that you vote to reconsider due to several factors. In 1979, the legislature mandated the center based developmental care services for eligible pre-school children be provided through Title 20 regardless of the family income. It established a sliding fee for those developmental day care services to families with gross income over 80 percent of the median income.

The Title 20 pre-school developmental day care center below the 80 percent level was made available at no cost.

In fiscal year 1980, \$64,000 was appropriated from the General Fund and was intended to provide these services to income groups over the 80 percent level. The committee found that of the \$86,000 appropriated in fiscal year 1981, only an estimated \$18,000 was expended to provide these services to the families with in-

comes over 80 percent of the median.

In addition, the committee found that giving a reduction in federal funds, social services funding should be limited to individuals under the 80 percent median income levels. For these reasons, and the committee recommended the elimination of day care appropriation and repealed the corresponding legislation which mandates that these services be provided through Title 20 for individuals above the 80 percent.

We also recognize that throughout the utilization of this appropriation, that approximately \$18,000 was utilized for those above income of 80 percent and \$17,000 was utilized for those below the 80 percent, despite legislative intent.

Therefore, the committee, in this bill, repeals the restrictive legislation and because there are no longer any guidelines for the expenditure of these funds, the committee decided to transfer only \$37,000 to the Department of Mental Health and Retardation for 1983. This will allow the Mental Health and Retardation to continue funding contracts at the same level.

The level for this service should come through the Committee on Appropriations, not through this bill or any other bill. The Department should apply for funds through the requests to the Committee on Appropriations, and I ask that you support this reconsideration.

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

Mrs. BERUBE: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Biddeford, Mr. Norton.

P would like to ask whether or not the reason he is reconsidering is to delete the restrictive language that this body attached to the bill yesterday?

The SPEAKER Pro Tem: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to the gentleman from Biddeford, Mr. Norton, who may respond if he so desires.

The Chair recognizes the gentleman from Biddeford, Mr. Norton.

Mr. NORTON: Mr. Speaker, Ladies and Gentlemen of the House: What I am attempting to do is remove something that was put on the bill yesterday which was originally in the Minority Report. That is all.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: This body accepted the recommendation yesterday to reinstate the funding for the developmental day care for small retarded children. That was precisely the reason, to help those children who come from those families who do not usually get a "freebee" as we usually say. The reason that we have put it in and put the restrictive language is because initially, when the bill was enacted, I think mention was made of 1979, it was to assist a group of people who were above this 80 percent income guidelines but, unfortunately, the Department did not utilize the monies for that purpose and the monies were utilized for other cases. Once again the will of this body was circumvented.

As an example, one school was awarded under that plan \$26,228 and yet they only assisted three kids, for a cost of \$8566; the remaining \$18,000 was utilized with the knowledge of the department on other issues, on other problems, so I think this is a clear-cut case of circumventing the will of this body. I could go on and name the other schools—one was allocated \$20,000 to help 17 kids and only two were assisted, for a total of \$4,206. The rest of the money was used the way they saw fit, and that is the reason we put the restrictive language onto the amendment of Representative Nadeau yesterday, and I would ask that you vote according to the request of Representative Rolde, vote against reconsideration.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It is late and I am sure you all want to go to lunch and I hate to belabor this. What we are talking about is a \$49,000 allocation for retarded kids. The Department that we have talked about is the Department of Human Services and it was clear that they did not spend the money as they should have. That money has been transferred to the Department of Mental Health and Mental Retardation. I am sure that they will spend it correctly, particularly since the gentlelady from Lewiston has amended the amendment to ensure that that happens.

I hope that you will go along with this as you did yesterday, by a three to one vote, that you will save this program for these retarded children and I hope you will vote against the motion to reconsider.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Biddeford, Mr. Norton, that the House reconsider its action whereby House Amendment "A" as amended by House Amendment "A" thereto was adopted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Brown, D.; Brown, K.L.; Callahan, Conary, Cunningham, Damren, Fowle, Gavett, Gillis, Jackson, P.C.; Kiesman, Lewis, Norton, Peterson, Reeves, J.; Sherburne, Studley.

NAY—Aloupis, Armstrong, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Connors, Connolly, Cox, Crowley, Curtis, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Gowen, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, LaPlante, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Master-ton, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Small, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Stover, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Austin, Cahill, Gwadosky, Hayden, Hobbins, Laverriere, Moholland, Soule, Strout, Tuttle, The Speaker.

Yes, 17; No, 123; Absent, 11.

The SPEAKER Pro Tem: Seventeen having voted in the affirmative and one hundred and twenty-three in the negative, with eleven being absent, the motion does not prevail.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would like to thank the gentleman from Fairfield, Mr. Gwadosky, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Gwadosky to this seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

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

Mr. HICKEY: Mr. Speaker, I present House Amendment "C" and move its adoption.

House Amendment "C" (H-706) was read by the Clerk.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Throughout the state for many years there has been strenuous opposition to house trailers. In order to cope with this gnawing problem, most communities authorized establishing trailer parks. Local ordinances and zoning laws have been utilized in developing these parks. The State Inspection Service has also been helpful in controlling the regulatory and sanitary problems in properly operating an efficient trailer park. The park operators welcome the state inspection and feel that its continued supervision is vital to successful operation.

The purpose of this amendment is to delete the mobile home deregulation. This amendment would generate \$15,760 in revenue and would cost \$6,400, based on an estimate of one third of a man a year for inspection of the mobile homes.

I ask your support for the passage of this amendment.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: The figures given by the Representative from Augusta are the figures, obviously, which have been given to him by the interested party. However, as of this morning, the Department advises us that it would indeed not be five eighths of one position but one full position which would be needed at a cost of \$19,000, so there should really be a fiscal note on this particular amendment.

May I point out that the statutes have only really one or two requirements relative to mobile homes, one of which is garbage collection, and that is usually either taken care of by contract with private collecting agencies or the municipality's duty.

Also, there is one other requirement and that is to inspect privies, but that obviously does not apply to trailers or mobile homes.

I would move, Mr. Speaker, that we indefinitely postpone this amendment. I hate to do it to Mr. Hickey.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

Mrs. Berube indicated that the primary reason, if I understood her correctly, for the regulation of mobile home parks to be included in the Department is for the regulation of trash removal. Who oversees and supervises the water supply and sewerage disposal facilities in mobile home parks?

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: There are other departments who also get involved, as you must very well be aware, DEP is one of them, when the trailers go up.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Lewiston, Mrs. Berube, that House Amendment "C" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 33 in the negative, the motion did prevail.

On motion of Mr. Racine of Biddeford, the House reconsidered its action whereby House Amendment "B" was adopted.

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

House Amendment "A" to House Amendment "B" (H-711) was read by the Clerk.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I had some concerns and

misgivings pertaining to certain sections of this L.D. I attempted to obtain some information from three members of the committee, but to no avail. The questions that I posed pertained to sections which were proposed by subcommittees on which these three different members had not served on. I feel I exercised prudent care in seeking information to clarify problems that I had with this bill. Therefore, I decided to initiate an amendment so that my concerns may be fully debated before this body.

It is unfortunate that the committee submits one report covering a year's study and hard work. What concerns me is that we are expected to accept the whole package, which includes routine housekeeping matters, non-controversial points and very controversial subjects.

I asked the committee members why this report was not broken down into separate L.D.'s so that we would have an opportunity to either accept or reject some of the proposals, which, incidentally, are recommendations prepared by separate subcommittees. I get a feeling when many items and different subjects are combined into one bill, that someone is trying to shove something down my throat.

With this background information, I am now prepared to discuss my objections.

A question that I posed, if you will take a copy of L.D. 2098, pertaining to Section 3, which mandates that when the court requests the Department of Human Services to undertake a court investigation for custody action, that the court shall order either or both parties to pay the department part or all of the service costs and I would like to know on this particular subject, what is the purpose of this section, what it intends to do and why it is needed?

The amendment itself covers the undedicating of revenues pertaining to hospitals, nursing homes and other health care institutions as well as eating establishments, eating and lodging places, as well as electrology fees. The amendment actually rescinds that portion of the L.D. itself.

The other concern that I have pertains to hearing aid dealers and based on what I have read, it would appear that we are attempting to over-regulate this particular field. It is too restrictive and it makes it very difficult for people to enter into this profession because it is very expensive and the only ones that can actually afford it are those that are the affluent.

As an example, if you will look at the L.D., if you are in a business organization, the fees are increased from \$100 to \$150; however, this is on annual - the \$100 covered a biennial fee. This L.D. changes it to be annual fee and it increases it to \$150 and; to me, that is a lot of money.

It also includes that if you do not renew your license within a 30-day period after it has expired, that the penalty, you must pay a penalty, and that penalty is increased from \$100 to \$200. If you go beyond the grace period, you must pay an additional \$250 instead of \$200. Now, if this is not restrictive, I don't know what it is.

Also, it requires a temporary trainee to obtain a permit and the permit has been increased from \$25 to \$50. I feel that is being very restrictive and the same situation happens on an individual license. The individual license, again, goes from a biennial of \$50 to an annual license of up to \$100. Your 30-day grace period is the same—it goes from \$100 to \$150 and at the end of the expiration of the grace period, this one is \$200 rather than \$250.

It also includes an eight hour per year continuing education at an approved school approved by a Hearing Aid Board.

I feel this is overly restrictive and the amendment deletes the portion pertaining to undedicating the fees from those three different bureaus and it also eliminates the portion pertaining to hearing aid dealers.

I hope that you will vote for my amendment.

The SPEAKER: The Chair recognizes the

gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: First of all, the gentleman from Biddeford was debating the bill and really not the amendment which he is attempting to pass on to this House.

However, in deference to what the speaker said earlier, I would now move—may I ask that this be tabled until later in today's session?

The SPEAKER: The Chair would advise the gentlewoman that that would be proper except she has debated that motion.

On motion of Mr. Baker of Portland, tabled pending adoption of House Amendment "A" to House Amendment "B" and later today assigned.

#### (Off Record Remarks)

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

#### Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act to Make Interstate Bank Ownership Possible" (S. P. 804) (L. D. 1891) reporting "Ought to Pass" in New Draft (S. P. 950) (L. D. 2100)

Report was signed by the following members:

Senators:

SUTTON of Oxford  
CLARK of Cumberland  
SEWALL of Lincoln

—of the Senate.

Representatives:

GWADOSKY of Fairfield  
BRANNIGAN of Portland  
POULIOT of Lewiston  
TELOW of Lewiston  
JACKSON of Yarmouth  
MARTIN of Van Buren  
RACINE of Biddeford

—of the House.

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

Report was signed by the following members:

Representatives:

FITZGERALD of Waterville  
GAVETT of Orono  
PERKINS of Brooksville

—of the House.

Came from the Senate with the Majority "Ought to Pass" in New Draft read and accepted and the New Draft passed to be engrossed.

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

The gentleman may proceed.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Certainly, we are not keeping bankers hours today. We are going to be debating a bill which I do not believe everyone has their minds made up on; otherwise, I wouldn't say anything nor would those who follow me.

However, I would like to say that in the future it is clear the monetary matters will be dealt with in stronger alignments and in bigger units, and this is important for us to recognize.

This bill does two things, generally; it allows out-of-state bank holding companies to own Maine banks, not to branch across state lines, we are working in every way to keep that from happening because we have no control, we would have no control were that ever allowed.

The second part of the bill is intrastate, that allows certain mergers of healthy banks, the coming together of banks and assisting of cer-

tain banks coming together in larger units of our own banks here in Maine. Those are the two parts.

The part that we are being told—and I am really sorry that this is being said so often, that we are rushing along, this is something that is being hurried or that this is something new and people don't understand it, the interstate banking part, and I would like to address that.

This issue has been studied for many many years. There was a Governor's Commission during the early seventies, a study for two or two and a half years, and was part of the re-codification of the banking laws of 1975, debated on the floor of this House and the other body and passed. Interstate banking was passed then. It was urged then and it has been with us ever since.

What we are doing today is taking one clause out, reciprocity. In those days, they decided they wanted to be able, our banks, to go into other states if other states were to come into ours. We are taking that off.

The other thing that we are doing is, we are putting on strong measures regarding other banks coming into our state, because that is the issue today, not the issue in 1975. So, there are strong measure as to how much it takes to come in, how much has to stay in, how much can be taken out in dividends and assets. It may be too strong and maybe no one will take advantage, but I think they will. That is the first issue I would like to make clear. It is not new, it can be done now.

The next point—interstate banking and bank-like activities are rampant. They are going on and have been going on for several years.

First of all, our banks can be owned now by people from out of state; if it were to be an individual, they may come in and own a bank, and there are individuals who have enough money to own one of our banks. Foreign countries can come in and buy one of our banks as long as they don't own a bank in another state; that is allowed.

But the bigger issue of interstate banking is the bank-like activities that are going on, and they are going on all over. Through finance houses, through stock brokerage houses, Merrill-Lynch, Prudential Life Insurance, American Express, and now Sears and Roebuck, just to name a few, are able to go across, without the regulations of our very fine banking department, without those regulations, are able to go from state to state and set up bank-like, they can do almost anything a bank can do, but our banks can't do that. Our banks can't spread across state lines. They are restricted in these days of larger units of monetary affairs and these days of stronger alliances. They must be able to compete.

We hear a lot about that assets are going to be drained, we are going to be drained out of Maine. Well, this bill will not allow that to happen in interstate banking, but if you want to talk about drain and concentration of large amounts of capital, that has been going on and is still going on and can go on right now through money markets. They are all going to the big banks—\$200 billion concentrated in large banks in the last three years, all of that in out of state.

This bill has been worked on by the present administration. I have been aware of it, involved to some extent for over a year. This bill, as I say, it has been studied for years, and now this bill has been worked on for well over a year by people who have been cautious but feel that this is, and I feel that this is, a very timely issue.

Another way that interstate banking is happening throughout our country, it is being considered by other legislatures, it is being considered by the federal government, but it is also happening because of the bank climate, banks are near failure in many parts of our country. There are 1,000 predicted banks, savings, savings and loans that are in trouble and will be going—I hate to use the word 'go

under—they could if something wasn't done. What is being done, the federal government is merging those banks if the state governments can't take care of them. So far, we have been lucky; we have done well in our state. They are merging them across state lines, they are merging them across every barrier. They are merging savings banks with savings banks, and savings banks with savings and loans, and savings and loans with commercial banks, and across state lines from California to New York to Florida. This is the way things are moving, and it is the only way that they can save these weak banks at this time. So, again, interstate banking is a reality.....

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson, and inquires for what purpose the gentleman rises.

Mr. JACKSON: A point of inquiry, Mr. Speaker. Is there a quorum in this House. This is an important bill and it is being debated and I don't think there is a quorum here.

The SPEAKER: The Chair would rule that there is a quorum.

The gentleman from Portland, Mr. Brannigan, may proceed.

Mr. BRANNIGAN: Thank you, Mr. Jackson.

The point I would like to make at this point is that we are dealing with the fears people have about small banks and the discrimination against small banks, that small banks cannot compete or be acquired by larger banks.

First of all, small banks in this state can be, any bank could be acquired if they wished to be. This is totally permissive legislation, totally optional to any bank group. First of all, any bank can be purchased. We have put in a \$5 million floor, and many, many of our banks are capitalized at \$5 million and more, many small banks. Banks bearing the name of Damariscotta and Bar Harbor have over \$5 million, and the new bank would need to infuse no new capital to gain, but any bank could be gained. Any small banks could join together to make that very possible, healthy banks joining together if they wish. That is the first point about small banks.

I understand the fears. I read all the debate over the last 10 years about small banks, in the sixties and seventies, early seventies when bank holding companies were branching throughout our state. Small banks were saying it would be the end, they are going to be gobbled up. The big cities, they were just as afraid of Portland and Bangor as people here now are afraid of out-of-state interests, just as afraid. And what gives me confidence is that none of those things have happened. Bad things have not happened; good things have happened. Bankers' hours—banks are not closed at this time of day anymore, banks are not closed on Wednesday afternoon in small communities. Banks give much more influence to credit rating than they do to who you are or where you come from.

Competition has happened. It has happened in Maine, it has happened in New York. The fears of upstate New York, when they decided that they would branch from the lower part of that state, were tremendous. It hasn't happened. Good things have happened.

Secondly, small banks, when they are not going, could compete very well and they will continue to compete in this state. They will find a way, they will find the personal service, they will find the way to be big against little.

Therefore, I realize the fears, but those fears are not mine. I fear that we must move forward in the progressive way that this state has moved forward in its banking in the last 10 to 15 years. We have had progressive banking. We have a good code that is being modeled across the country. So I am confident and proud to sponsor and to present good legislation in a long line of good banking legislation to allow our banks to compete in days of stronger alliances and in bigger units.

Mr. Speaker, when the vote is taken, I would

request the yeas and nays.

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

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: I hope today that you don't accept the "ought to pass" report. This piece of legislation that we have before us is a very important piece of legislation and I think everyone should take a good look at this, and before they vote, they should think seriously about the ramifications of this bill. Nobody knows what they are. Are we going to be benefitting the people of the State of Maine, are we only going to be benefitting the stockholders of some of the major banks in the state? The proponents don't know the ramifications of this legislation.

One of the proponent's arguments on this bill is that it will bring much needed capital into the State of Maine, and by bringing in this capital, this will allow more loans for businesses and for business expansion. Well, if this is so, then I would ask you why at the hearing there were no business groups represented who spoke in favor of this bill.

Usually before our committee we hear from the chambers of commerce, we also hear from the Maine Merchants Association; none of those groups spoke in favor of this bill. If this is such a good bill, why didn't we hear from those people?

Also, the Maine Bankers Association took no position on this bill. If this is such a good bill, why didn't they support it?

The Savings Bank Association of Maine took no position on this bill. If this is such a good bill, why didn't they support it?

I would ask you to consider seriously if we are, by passing this piece of legislation, benefitting all the people of Maine or just those stockholders who might benefit from the passage of this legislation. And before you vote, be sure, be absolutely sure, that this piece of legislation is going to help the people of Maine, because once we pass this piece of legislation, there is no turning back.

I would urge you not to accept the Majority "Ought to Pass" but to accept the Minority "Ought Not to Pass" Report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am not sure that this is bad legislation. It comes too late in the session, there is too much of it, and the thing that bothers me is the fact that it is like shooting a man—after he is dead, there is no recourse. And after you pass this bill, I don't see any recourse.

In other legislation we have had before us, the next group can come back and change it. This is not the case in this bill. I think it is like what went on since the beginning of time—the big fish have always eaten up the little fish, and I think that is the concept of the bill.

I shall have to vote against this mainly because I haven't had the time to study the bill in its entirety and I think it is bad because there is no turning back.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I would like to agree with Miss Gavett. I sat through the hearings, I listened to everyone I could and talked with everyone else I could about this, and I was convinced from what I heard that the advantage was totally to the out-of-state banks.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: This bill frightens me very much. While a few people will say that this has been studied a long time, the first time I heard about it was in January. By that time, the primary committee on which I served, the Health and Institutional Services Committee, already had a full agenda.

I am more frightened about what I don't un-

derstand about this bill than what I know about it. I have been trying to accumulate information and just did not have the time to digest it.

If this bill is such a good bill, there is no reasons why we can't consider it later this year, if we have a special session, to give us who are scared of it time to look at it much more carefully.

There are only very few people in this body who both understand and support this bill. While the committee has had a chance to study the bill, I don't believe that in the short time we have had, the committee can do its other job, to educate the House with, first, the background necessary to know the frame of reference which this bill is operating under, and then, after we understand that, why this is such a good idea.

Because of my feelings of this bill and being scared that the control of our economic institutions and banks in his country are the strongest economic institutions not only in this country but in the world, the control of those economic institutions that we have in this state will go to out of state, and that is my fear. I am not sure whether that is true or not but that what I am really afraid of.

Once that happens, as Mr. Dudley says, we don't have any chance to turn it around, and I think we cannot delegate our responsibilities to the committee's study. We have to assume the responsibility in this legislature to make sure that the bill we pass is good and beneficial for the State of Maine. If there is any doubt in people's minds, I think we should not pass a bill such as this.

For that reason, Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Brodeur, moves that this bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Like a great many of my colleagues in this House and in the other body, I have been extremely skeptical of a document of this magnitude coming before us. And like others in this House, I took time to go down and sit in on some of the hearings that were being held on this banking bill. At the request of myself and other members who were not on the committee, we encouraged both the Senate chairman and the House chairman to bring opportunities for us to listen to me or women from outside the banking community here in the state of Maine at a working session, and I am certainly thankful that Mr. Brannigan and Senator Sutton provided that opportunity for those of us who were interested enough to go to the hearing.

I tried in every way to find an honest reason to oppose this particular bill. I raised questions, I acted skeptical, I know a great many of my colleagues did the same thing at the hearing. I found not only the committee but the witnesses that attended it to be extremely candid and honest in attempting to answer the questions that I may have had and other legislators had as well.

We have an extremely strong banking commissioner and commission in this state, and I think Maine is most fortunate to be in that position. As Mr. Brannigan stated a few moments ago, we have a unique code in this state which a great many states have taken an interest in, not only in reading but attempting to adopt in their respective bodies.

Miss Gavett raised the question here—where were business groups in terms of presenting their arguments either for or against the bill, and she failed to see any of them there. I submit that a great many of them were there, because most of your bank boards in this state are made up of businessmen across this state, whether they are fishermen, lumbermen, in-

surance men, architects, Christmas tree growers or what have you. I think the whole banking community is like the legislature itself—it has a broad mixture of people sitting on its respective boards.

This is a major step in banking in this state, there is no question about it, and it certainly wasn't addressed here this morning by the committee's report with an absent-minded feeling. A great deal of work was put into the bill not only from the administration's viewpoint but from the committee itself, and I must admit that if there is a committee that is made up of a broad spectrum of philosophies in this House and in the other body, it is the Business Legislation Committee. They came out with what appears to be at the moment a very workable and supported idea.

A great many people were skeptical as to what position I was going to take, not that I am anymore important than any of the rest of you in this body, because a good friend of mine who runs a small bank in my community, Merrill Trust, and the gentleman's name was Bill Bolduc, appeared speaking in behalf of the bank on one hand and as an individual on another.

Just this morning before I came in, I had a banker out here say to me, "I suppose you are going to take the position of your friend Bill Bolduc." Well, I am not. I think his position was wrong as an individual and I think the majority of the presentation that was presented to that committee is the right position, and that is supporting this bill.

Everyone seems to think that big is bad. Well, that is not always necessarily so. I think one of the main reasons I want to support this bill today is a simple little word called 'competition' and I honestly believe this is going to create healthy competition in this state for all people of Maine, not for the alleged stockholders that might be making a dollar. They are in business to invest their money, and they certainly have a right to a return on that investment. There is nothing scary about that and I don't think we should accept that argument here today, that the stockholders are going to make a profit on whatever stock they hold in individual banks.

I think the concern that we should have as legislators, coming from our own respective districts, is what is going to be best for Maine and the people of Maine, and I say there is nothing wrong with competition.

Mr. Brannigan said that a great many banks across this nation are in trouble, and that is true, but because we have a sound banking code in this state, we have a very strong banking commissioner in this state, and thank goodness we have a conscientious joint committee called Business Legislation that takes an interest in the jurisdiction of areas that have been assigned to them, I honestly feel we would be stepping in the right direction by supporting not the motion of Mr. Brodeur here this morning to kill this bill, that is not a rational motion to accept here at one o'clock in the afternoon, but to defeat his motion and then accept the motion made by the gentleman from Portland to accept the Majority "Ought to Pass" Report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am glad a good many of you stayed here to hear this debate because it is an important piece of legislation. It took us a long time in the committee. Even as a sponsor, I was somewhat skeptical of it when it first came out, and having worked on it and having gotten into it more, I feel very comfortable with it now and I think it would help the State of Maine.

I hope that when this does come to a vote and everybody comes flooding back into this chamber, that we are not going to have to try to explain it again to everybody who at that point doesn't know what is going on and would like it

re-explained.

The objections to the bill so far seem to take the general route that we don't know what is in it and therefore we are afraid of it. I would suggest that the legislation has been around since early in the session, it has not changed a great deal in its general thrust since the beginning of the session. It has been available and you have been able to read it, and I don't think it is that deep and that mysterious that people in here aren't perfectly capable of understanding what is going on.

The legislation comes out of the fact that the State of Maine is probably a leader possibly in the country, certainly in New England, in banking law. In 1975, we passed a banking law through here which made us one of the leading states and our law has been copied and picked up by a good many other states. It certainly hasn't hurt this state, and I think it has helped it. Even though we are not a great economic state, I think it has helped us to survive and helped the banking industry in the state.

Debate such as you are going to hear here and is going on now, it is very close to the debate that we also heard on branching, interstate branching. The same fears came out about the small banks being eaten up by the big banks, the small banks not being able to compete with the big banks and so on. Interstate branching was accepted by this legislature and it has helped the state. I think anyone who lives in Aroostook County and a number of the other counties are aware that it brought in new competition. The interest rates dropped in many cases. The banks that had been able to get along in their own neighborhood without ever having to stir themselves particularly, suddenly found they had to compete a little harder and the consumers and the farmers and the fishermen and the lumbermen all benefitted from this, and I think this legislation would do the same thing on a larger scale.

The other question that has been brought up repeatedly is whether it is going to help out-of-state banks. As you probably know now, Maine has passed a law that if another state passes a reciprocity law with us, then there can be interstate branching now. We are the only state in the union that has done this. No other state has chosen to take us up on this offer. New York State has considered it a number of times, and I believe there are three bills in front of the New York legislature now considering that.

I want to point out one thing to you, that if another state does decide to be reciprocal with the State of Maine and come in, then it will be only that state that can come into the State of Maine. Do you really want to tie Maine to just New York or just Nevada or just California? I would much rather see, if we are going to open this, and it could be opened at any time, I would like to see it opened to everybody so that some of the states, maybe some of the banks that have traditionally been very helpful to Maine, are correspondent banks to Maine, have stood by Maine in the 1930's and some pretty tough times, would be able to come in and join up with Maine banking institutions, and this bill would allow that, instead of having to mate with some other state possibly that we didn't really want to have too much to do with.

I feel, again, that the banking commissioner is well in control of the situation. The bill itself provides safeguards. I can run through those. They are very basic ones, the \$5 million; a bank has to have \$5 million before it can be taken over and in five years it has to be up to \$7 million. There is a well-built provision that the banking commissioner has the right to check into the banks that are coming in to make sure that assets aren't flowing out of state and to make sure that things are going as they are supposed to, and I think these are good things.

Finally, I would like to point out that this bill doesn't just deal with interstate banking. It deals with a great many other things, particu-

larly in the savings bank area. I almost hesitate to paint the picture of what the savings banks are facing, but it is a major calamity in this country.

Fortunately, Maine happens to be a little bit better off than some of them, but even in Maine you can see what is happening to the savings banks and the mergers that have just happened since we have been sitting in this body this winter.

The savings are in a severe trouble. Often a sick savings bank is getting together with another savings bank and what you are ending up with is a larger group that still has financial problems, and these financial problems are going to surface again in a year or two. Nationwide it is a disaster.

Presently under the law, if a Maine savings bank is in trouble and they can't find another bank to put it together with, they can go out of state to do it, so we are not talking about savings banks particularly, we are talking more about the commercial banks in this bill.

There are other things in the bill, such as mutual savings. Presently when a mutual savings gets into serious financial trouble, which they are, it has to go through a long and drawn out procedure and become a stock company and eventually can be picked up by a commercial bank or another bank. This can cost up to \$300,000, and that is all coming out of the—it is going to hurt the bank that much more. If it is in financial trouble, it doesn't need to pay out \$300,000 to get into worse financial trouble. This would allow them to do that and save that money. This bill has a provision in there for that. There are a number of other provisions like that.

I would point out to you that what we have is a case where the commercial banks particularly in this state are having to compete with out-of-state businesses in banking that they cannot fairly compete with. This was brought out in the example of Sears Roebuck. Sears Roebuck is coming into banking in a big way. They have got branches all over this state, and these same branches are going to be getting into banking to a degree. Merrill-Lynch is another example, and there are going to be plenty of other ones.

The present law does allow a foreign bank to come into the State of Maine. I personally don't think this is a great threat because a foreign bank can only go into one state in the union, I mean a foreign bank like from Bharon or one of the Amerets from the Arab world or somewhere like that. There is really no reason they would come into Maine. They would be more interested, probably, in the big money centers such as New York or California or somewhere like that.

I don't think this is a threat, but we have all along recognized the right of the foreign interests to come in here. This would at least allow other interests within the United States to join with us.

I see this bill as a chance for Maine to take the lead in the financial world. We are close enough to the major money markets, we are close enough to a lot of things. I don't see this bill as hurting the smaller banks. In fact, I think what will probably happen is, the smaller banks will prove more competitive on their home turf, better able to get along with the local people and this will tend to sharpen them up a bit and they will be even more so and they will more than hold their own, and they will probably very much benefit from the spin-off of the business that will come in from this.

I hope you will vote against the indefinite postponement of this bill; I hope you will support this legislation.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I think we should first understand the probable reason why this takeover bill is before us today, why there has been



such a hurry to bring an important subject before this legislature without time for proper study and why Maine has been targetted as a guinea pig.

Older bank stockholders have over the years purchased stock options which will become void on retirement unless implemented. Such implementation costs a lot of money; however, in a take-over situation where stock prices jump from, say, \$10 a share to \$15 per share, immediate implementation at \$10 and a sale at \$15 can easily set up a tidy retirement fund for them.

I will agree with Representative Kelleher that this is no reason to be either for or against the bill, but I did want to point out the probable reason why this bill is before us today.

I do have a lot of reasons why I do not like this bill and I would like to put forth a few of them. First, is there a real need for the bill? I have talked with bankers and they tell me Maine is not a capital poor state. In fact, Maine, like most of the other New England states, is a capital exporting state. Just look at the assets held by trust departments in this state and you will find that most of them are invested outside the state which, in itself, tells you that the state is exporting a great deal of its capital funds, these funds originally came from Maine residents.

I am further told that there is no problem today in packaging by Maine banks. Any legitimate loan may be packaged for state residents. I ran into one down in my area, it was a \$800,000 blueberry loan. One bank took \$650,000, they went across the street and got the other \$150,000 from another bank; there was no problem.

Regardless of interstate banking, large Maine corporations will still deal with the giant New York banks, or your paper companies and everybody else will still go to New York.

Secondly, what effect does interstate banking have on us locally? I asked a banker, whose company has several branches in a certain county, if he looked on those branches as profit centers. He told me the same question had been posed by the directors, and he said definitely no. The branch is a part of the community and as such must be community oriented.

Under interstate banking, there is no reason to think that each branch will not be considered a profit center and treated accordingly. The overall plan for the interstate bank will be made in New York and the chances are not good for community-oriented banking.

This change could mean that the local retailer, hardware dealer, boat builder and other small businesses and contractors, farmers, plumbers, mechanics and laborers will not get the present sympathetic reception he now gets from local banks.

It is a well known fact also that when top management is far distant from the business operation, a much different approach is taken to corporate giving locally for various charities. For example, if Central Bank took over a bank in an area which already had several other banks and emergency cancer equipment was needed in the area and a fund drive was entered into, the local banks gave to the drive; the takeover bank did not.

Finally, let's take a look at the bill itself. Certain parameters have been placed in the bill which will attempt to keep Maine assets in Maine.

The committee received a letter from Citibank of New York expressing its favor of the bill but opposing the restrictions placed in the bill of maintaining certain portions of Maine assets in Maine. This should tell you from where they come. Obviously, they want no restrictions so they can draw capital out of Maine to finance projects of no help to the Maine economy. However, I don't think they need worry too much, because all you have to do, after you see the percentages on Page 6, is to take a look at the first paragraph on Page 7, and I quote: "The superintendent may promul-

gate regulations effecting changes in the percentages set forth in this subsection. These regulations shall be consistent with the need of financial institutions to operate within the framework of a competitive environment and shall recognize the need of a free market economy system." That means we have taken out of the hands of the legislature the percentages and passed it over to the superintendent.

In closing, I think I would like to read just a little part from the editorial appearing in a paper down my way. It expresses my views a lot better than I can.

"The interstate banking bill is a piece of legislation that deserves the study of a year or two in order to understand its provisions and the effect it will have on Maine enterprise. The Maine Legislature deliberated for more than a year when it framed the existing banking legislation. The differences of opinion on the effects of this legislation make it perfectly clear that it should not be rushed into passage.

"Maybe the bill will create credit pools not now available to Maine banks, but a great many students of the bill think it won't. Maybe it will bring outside money into Maine, but many people think it will not do so. Maybe it would assure that current deposits would remain largely to finance Maine enterprise, but many think the accumulated reserves would seek the best borrowers and point of interest rates and security, wherever they may be in the large areas served by a national corporation. That, after all, is what the directors and officers of a bank are supposed to do, earn for the shareholders all that they can. Maine small business will find themselves competing with the best borrowers in the nation.

"There is no very clear record that the bill would really do very much for the depositors or borrowers and evidence that it would do a great deal for shareholders in Maine banks marked for takeover by foreign banks."

I would ask for the yeas and nays.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Brodeur, that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: First of all, I would like to say again, in response to Mr. Perkins, that this has not been hurried. This bill was even thought of being brought in a year ago, being worked on at that time. I was involved, the administration was involved, and it is here not because a big bank is asking to make great profits. It is here because the administration has seen this and studied this along with the banking community, along with all the people, many of the people, the blue ribbon who worked on this issue back in the early part of the seventies. It has been a cooperative effort, it has been worked for a great deal of time and it is not being hurried.

It is timely. We are hearing that we should put it to study, we should study it more. If we do it now, we will not be able to turn back. I have a feeling that if we don't do it now, we will not be able to turn back.

Let me give you an example. The First Bank of Boston has had a long history, it is a large bank, a long history of dealing with people in Maine. It has helped to save some of our banks back in the thirties when they were going under. It has been a correspondent bank, in other words a participating bank, with many of

our banks for many years. They are a growing bank throughout the country in any way they can grow, setting up trust companies, all of the ways that they can go around this problem of interstate banking not being allowed. They are looking to Maine, they want to come here. They want to come here to do business fully. They would like to purchase a Maine bank.

If we pass this, they probably will; if we don't, their attentions will shift elsewhere and everywhere, because things are moving fast and there are going to be many ways. There are other states that are considering this, Alaska, Illinois, Georgia has it before its legislature now, New York in some forms, so there are several states. First Bank of Boston will move in that direction if they can't move in this direction. The other way that they can move, and this is going to be in the next few months, the federal deposit insurance company and the federal savings and loan insurance company have to save the banks that are going under, and one of the ways they are doing it is turning to the big banks. So in the next few months, chances are that one or more of those thousand banks that are going to be in trouble will be offered to First Boston. I am just telling you about First Boston. City Corp in New York has already been offered and probably by today has merged with the California banks, so they will be looking in that direction.

Right now, the Federal Deposit takes money that is federal deposit money and if the bank did go under they would pay the individual depositors, they would take that money and sweeten the deal to make that bank a little more solvent. So some other bank will take it and buy it up. Some of these banks want to move to other states, and they will do it enough so that Federal Deposit will not have to put the insurance in. These are the things that are happening right now, and this bank, for example, First Boston, will move in another direction. I believe if we wait, and there is no reason to wait because this has been studied, well understood, well supported, but if we wait, those opportunities will slip by. It is timely.

It is timely for another reason. New York, which is a big banking center, has several bills before its Assembly at this time dealing with reciprocity in interstate banking. I talked with them this morning. If one of those bills is to pass, and it is possible that it will in this session of their legislature, which goes into June, if it is like ours it will probably go to July or August, if that is to pass, then there would be two right at the present time, two states in the country that have reciprocity, have interstate banking—Maine and New York. New York banks then could come into Maine immediately, without the safeguards that we have put into this bill. They could start a new bank without \$5 million. They could take over a small bank without \$5 million. There would be no requirements for them to keep the assets in the State of Maine as we require in this bill.

This is why I say it is timely, it is not hurried. Now is the time to be moving in this fast-moving time.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, I ask to be excused from voting under House Rule 19.

The SPEAKER: The Chair will grant that request to the gentleman from Wilton, Mr. Armstrong.

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

Mr. CALLAHAN: Mr. Speaker, I would like to ask the same request.

The SPEAKER: The Chair will grant that request. The gentleman from Mechanic Falls, Mr. Callahan, will be excused from voting.

The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, I would like to be excused on the same request.

The SPEAKER: The Chair would grant that



request to the gentleman from Shapleigh, Mr. Ridley.

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

Mr. COX: Mr. Speaker, I would like to be excused from voting pursuant to Joint Rule 10.

The SPEAKER: The Chair will grant the request to the gentleman from Brewer, Mr. Cox.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I have been listening very closely to the debate. I am one of those people who is truly undecided, not yet convinced, perhaps leaning against this bill, and I do have continuing questions, one of which is—under our laws now, can't a Maine bank participate with out-of-state banks on larger loans? I would ask a member of the committee to respond to that.

The SPEAKER: The gentlewoman from Waterville Mrs. Kany, has posed a question through the Chair to anyone on the committee who may care to answer.

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

Mr. BRANNIGAN: Mr. Speaker, the answer is yes, banks in Maine, in order to get sufficient capital, often have to go to out-of-state banks, called correspondent banks, to get their money.

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

Mrs. KANY: Mr. Speaker, I guess I have a series of questions that I wish to pose.

Secondly, due to our progressive banking statutes, which I along with many other members of the present legislature voted for in the past, do we not now have a great deal of competition and continuing merging to provide benefits, for instance let's say electronic banking or something like that that some of the smaller banks have not been able to provide? Due to the mergers which are now occurring, don't we have a good deal of competition?

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

Mr. BRANNIGAN: Mr. Speaker and Members of the House: We do have competition but I would say that our major competition right now is from the bank-like groups, and that is one of the reasons that this is timely. I can't impress upon you enough how much banking is being done by non-banks. A banker told me the other day that it just pierces his heart to hear this, that we need banking but we don't need banks. You can do almost everything you need—I can't do much, I don't have much, but you can go to an investment house, you can put your money in, they will take your deposits, not all deposits, put your money in the cash equivalent—you have got a money market, you can write checks on that, it is not called a check but that is what it is. Sears and Roebuck, pretty soon, they have got some powers, they can start to do some loaning. That is the kind of competition we are involved in here.

To answer the second question, mergers are being done because—many of the mergers are being done right now because banks are trying to stay together and trying to work together. Some of the mergers are being done for economic measures and also to compete, as I started to say with all of my original remarks, competing in the way that money is being handled today—larger segments and stronger alliances.

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

Mrs. KANY: Mr. Speaker, a final question. I really would like very much to know what the benefits are for Maine individuals. The debate has convinced me that indeed this legislation would be wonderful for banks, particularly for the shareholders in many banks. Probably a great deal of money could be made if this legislation passes, but what, indeed, are the benefits for individuals and for our small businesses? Presently, you could go to a Maine bank and

that Maine bank could participate with out-of-state banks if you needed a large loan that that small banks was not able to provide.

What you also could do, presently you could go to that out-of-state bank. Many of our businesses now go the First National Bank of Boston. Where are the benefits to our individual Maine people and to our small businesses?

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, has posed a question through the Chair to anyone who may care to answer.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I guess in answer to that, you have got to look at a number of different things. (a) it will sharpen the competition of the banks, and in the sharpened competition, you may see banks providing more services for the individuals, you may see a faster acceleration of some of the electronic banking aids, and I think you touched on this in one of your other questions and I will digress a little bit there. A lot of these electronic banking aids now are rented out through an intermediary source. This would allow them to come in in a direct line, which would bring the rentals down and the cost lower and would allow for more convenience to the individual in banking in shopping centers and food stores, drug stores, what have you, things like that, ability to cash checks on Sundays and other days when you normally cannot do that, make deposits the same way.

Small businesses, it will allow them possibly to find more sources to raise loans and needed money without even having to go out of state.

I think you answered your own question in a way, and that is, do you really, when you are in Waterville, Maine, want to go down to Boston, Massachusetts, and walk into some edifice there and try and work out a loan with them? I think you would much rather do it from your local bank in Waterville, but the bank in Waterville should have the ability to provide this to you, these services to you.

I feel absolutely convinced the small banks will survive this. I think we are hearing again many arguments we heard on the interstate branching and many of the doubts that were raised on interstate branching, and I think this is going to sharpen the banking industry in the state, and I think the bottom line is, do you want banks as we know them to survive? The savings banks are in serious trouble, the commercial banks have got some problems too. Do you want to do your banking through Sears and Roebuck and Merrill-Lynch, or do you want to do it through the trust company down the street.

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

Mr. TELOW: Mr. Speaker, Ladies and Gentlemen of the House: I suppose you are kind of surprised to see me up here, but this is something I did want to get up here and talk about.

To all of you, you must realize that the future of our thrift institutions is very cloudy as of today.

Just a couple of facts and then I am going to talk off the cuff and not from my prepared speech.

Here are your facts for 1981. The withdrawals exceeded deposits by \$39 billion. The losses topped an awesome \$6 billion. The 400 S and L exhausted reserves in 12 months and the list of savings banks in trouble goes longer.

The thing I want to talk about here today has nothing to do with banks, period. I know I can't compete with the good Representative from Brooksville, Representative Perkins, with his eloquent speech and his background and his expertise. The only thing I can talk about is something that I have heard here in the House, the halls, about what will happen if the outside banks come into Maine.

One, the small banks will be gobbled up. Two, what will they do for the community, and

there are other things.

Let me say this—let's go back about 25 years ago. I recall when I was a manager of a W.T. Grant store and happened to be in Lewiston, Maine. We received the paper about the coming of the discount stores and the worry and fears at that time, what would happen to the Mom and Pop stores and the small stores and so forth would all be gobbled up by the big discount stores, the two guys from Harrison and those places there that were coming in. Here it is 25 years later and let's look at the scene today.

Go into Lewiston, what did these discount stores do to the communities? Number one, they made the merchants become more aggressive, they made them have better merchandising skills and abilities. They began to do a little work, where before the people came in and bought and they didn't have to really work, they could take off two months and go to Florida. Now they have to cut it down to two weeks. So they had to get out and really run the store. If you didn't run the store, there was only one ending, and that was bankruptcy. So I am just trying to say, they kind of woke up and the local people to give better service and so forth.

The discount stores gave the self-service. The fellows like Porteous, Benoit's, Ward Bros., are they out of business today? No, they are not out of business. As a matter of fact, Ward Bros., you will find they have got a store in the mall in Bangor and they have got one in South Portland.

I am just trying to point out to you—don't let anybody tell me that the small banks are going to get gobbled up, because if they give the service that they should, and the problems they got into were their own fault, the fact that back probably 10 or 15 years ago they gave out mortgages at 5 or 6 percent where the commercial banks may have been a little tighter and how, today, they have got problems and the problems we all know because in Lewiston you only had one savings bank that made any money and the rest all took a loss.

I am trying to point out to you the fact that when anybody tells me that the big boy will take over the small body, I don't see any discount store going into Brooksville or into a lot of the smaller towns, so the small banks, no reason why they can't keep their heads above water if they run it right. The stores, the Mom and Pop and the small stores that have failed have failed for only one reason, and I know this—80 percent of your new businesses starting up fail within five years, because being a member of SCORE, I know, because I get involved in trying to help new businesses. Why do they fail? Because of management problems. They don't keep close enough to the situation.

I say to you again, the small bank will not fail if they run it right, because that is where your problem is, if you treat your help right. And when they say that the fellow coming in to run a big bank in Maine is not going to help the community, that is for the birds again, because I will tell you this, I ran the Mammouth Mart in Lewiston, and if I named off the activities that I was involved in in Lewiston at the same time as running the store—so again I say "there."

They are giving, sure, they are controlled by the home office as to how much they can give, but they are very generous. Just look at the people or the stores like Sears and Roebuck and some of the other stores, Bradlees, that are in the Chamber of Commerce. They work on the United Way.

Again, I just wanted to say this, I didn't want to take up this much time, but when anybody tells me, nobody will gobble up anybody if they run their business right.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Since 1975, we have had on the books a reciprocity, which means

that we will allow them to buy our banks if we can go out and buy their banks. And now what we are saying in this bill, we are going to allow the out-of-state to come into our banks and we are not going to be able to buy in theirs.

I have a gut feeling that there is something wrong because when the banking industry has something like 12 lobbyists hired, I don't believe they have the best interest of our small business up in Aroostook and our small farmers. I honestly can't buy that. They have their own interest at heart.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Auburn, Mr. Brodeur, that this Bill and all its accompanying papers be indefinitely postponed. The Chair will excuse from voting under House Rule 10, in addition to those already granted, the gentleman from Lewiston, Mrs. Berube, the gentleman from Bangor, Mr. Soulas, and the gentleman from Norway, Mr. Twitchell.

The Chair recognizes the gentlewoman from Limestone, Mrs. Pines.

The SPEAKER: The gentlewoman from Limestone, Mrs. Pines, will also be allowed to be excused.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Brodeur, 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—Aloupis, Baker, Bordeaux, Brodeur, Brown, A.; Brown, D.; Carroll, Carter, Chonko, Connors, Connolly, Crowley, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Dudley, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Hanson, Hayden, Holloway, Hunter, Hutchings, Ingraham, Jackson, P.C.; Jacques, Jordan, Kany, Kilcoyne, Lancaster, Lewis, Lisnik, MacBride, Macomber, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Murphy, Nelson, A.; Norton, Paul, Perkins, Perry, Peterson, Randall, Reeves, J.; Reeves, P.; Roberts, Salisbury, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Theriault, Treadwell, Walker, Webster, Wentworth, Willey.

NAY—Beaulieu, Bell, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brown, K.L.; Clark, Conary, Davies, Day, Diamond, G.W.; Diamond, J.N.; Erwin, Gwadosky, Hall, Hickey, Higgins, H.C.; Higgins, L.M.; Huber, Jackson, P.T.; Jalbert, Joyce, Kane, Kelleher, Ketover, Kisman, LaPlante, Livesay, Locke, Lund, MacEachern, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McCollister, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Pearson, Post, Pouliot, Racine, Richard, Rolde, Sherburne, Telow, Thompson, Vose, Weymouth.

ABSENT—Austin, Cahill, Carrier, Dillenback, Hobbins, Laverriere, Moholland, Paradis, P.; Soule, Tuttle, The Speaker.

EXCUSED—Armstrong, Berube, Callahan, Cox, Pines, Ridley, Soulas, Twitchell.

Yes, 74; No, 58; Absent, 11; Excused, 8.

The SPEAKER: Seventy-four having voted in the affirmative and fifty-eight in the negative with eleven being absent and eight excused, the motion does prevail.

The Chair recognizes the gentlewoman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby this Bill was indefinitely postponed and I would hope you would all vote against me.

The SPEAKER: The gentlewoman from Orono, Miss Gavett, moves that we reconsider our action whereby this Bill was indefinitely postponed.

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

Mr. JACKSON: Mr. Speaker, I move this be tabled for one day.

Whereupon, Miss Gavett of Orono requested a roll call vote.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that this be tabled for one legislative day pending the motion of Miss Gavett of Orono to reconsider whereby the Bill and all its accompanying papers were indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Bell, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Carroll, Clark, Conary, Cox, Crowley, Davies, Day, Diamond, G.W.; Diamond, J.N.; Erwin, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Huber, Jackson, P.T.; Jalbert, Joyce, Kane, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Livesay, Locke, Lund, MacEachern, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McSweeney, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Pearson, Peterson, Post, Pouliot, Racine, Richard, Ridley, Rolde, Telow, Thompson, Twitchell, Vose, Weymouth.

NAY—Aloupis, Armstrong, Baker, Beaulieu, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Carter, Chonko, Connors, Connolly, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Dudley, Fitzgerald, Foster, Gavett, Gillis, Gowen, Hanson, Holloway, Hunter, Hutchings, Ingraham, Jackson, P.C.; Jacques, Jordan, Kany, Kisman, Lancaster, Lewis, MacBride, Macomber, Martin, A.; McGowan, McHenry, McPherson, Michael, Michaud, Murphy, Nelson, A.; Norton, Paul, Perkins, Perry, Pines, Randall, Reeves, J.; Reeves, P.; Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Theriault, Treadwell, Walker, Webster, Wentworth, Willey.

ABSENT—Austin, Cahill, Callahan, Carrier, Dillenback, Hobbins, Laverriere, Moholland, Paradis, P.; Soulas, Soule, Tuttle, The Speaker.

Yes, 65; No, 73; Absent, 13.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-three in the negative, with thirteen being absent, the motion does not prevail.

The pending question is on the motion of the gentlewoman from Orono, Miss Gavett, that the House reconsider its action whereby this Bill and all its accompanying papers were indefinitely postponed in non-concurrence.

The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, I would request a roll call on the motion to reconsider, and wish to speak to my motion.

The SPEAKER: The gentleman may proceed.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what I am really trying to do right now after looking at that vote, but the thought just occurred to me that we just debated probably one of the most important bills of the session and I don't believe that more than 75 people, 75 members of this House, were present and it scares me a little bit. I can't blame them because it is a boring bill, the whole area is a boring bill but it is an important bill and I think that before we move not to adopt this measure, we should reconsider exactly what we are doing.

I guess I would like to address some of the philosophical concerns that have been suggested today about the idea of outside influence or out-of-staters having some influence or control over our Maine institutions. I think if we were to look at the big picture or to examine the history of the State of Maine, the money that has been made in the State of Maine has always been made by a few people. The majority of those people have been from out of state. More often than not, once money has been made in the State of Maine, it hasn't been re-invested into the State of Maine.

I can give examples of ice harvesting, of the textile industries, of the shoe industry, the logging industry, but I don't think it is appropriate to do that at this time.

Whether it is our geographical location which causes us to be independent with the nation as a whole, or whatever the fact is that we have always been influenced by out-of-staters, and presently 30 percent of the people living in the State of Maine are from out of state and 25 percent of the members of the 110th Legislature are from out of state, and collectively we are not such a bad bunch.

I think it is important to drive home the point that Mr. Kelleher made, Mr. Jackson made, Mr. Brannigan made in responding to the gentlewoman from Waterville's question of competition.

Merrill-Lynch, American Express, Sears and Roebuck are now providing the services which were traditionally reserved for banking institutions. And if you want to be scared of something, this is what you should be scared of because they are unregulated and they can do this from state to state with no limitations, and that is what scares me.

At least with this bill, we are providing the superintendent of banking with authority to oversee these banks which are being taken over. The superintendent of banking can overview these institutions and keep a watchful eye to make sure they are not channeling money out of the state, perhaps one of the few times in our history that we have been able to do this.

We have also heard comments that this may come on the federal level, that there may be federal legislation to promote interstate banking both because of high interest rates and because of the increased competition from Sears and Roebuck, American Express and Merrill-Lynch. Those of us on the committee who signed this out "ought to pass" feel that if we don't pass some kind of legislation, the federal government may do it. I don't think it is necessarily the best thing for us to be accepting, to piggyback with federal legislation.

I always think of the expression of the gentleman from Livermore Falls, Mr. Brown—whenever the legislature tries to come up with a knee-jerk reaction to a solution when you have been handed down a mandate from the federal government, I think we much prefer a careful, deliberate discussion of the issue by a local legislature which understands our people.

The majority of our committee who signed this "ought to pass" feel that this is the safest route, that this route allows our Maine regulators to regulate these people and that the alternative is not nearly as attractive as it may appear to be.

I would urge you to vote for reconsideration.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I didn't plan on getting into this debate, but since they want to push reconsideration, I have my two cents worth that I would like to say.

The gentleman from Lewiston, Mr. Telow, has referred to the concern about the small banks being gobbled up. Well, I agree with him, I don't think they are all going to be gobbled up. I have been serving on the board of my local credit union for eight years now, I guess, just about eight years, and when I started out, we

were so hand tied it was very tough to compete with the local banks in town. We had to charge 12 percent interest and they were charging 8 1/2 or 9, but we provided all the services necessary and the people stayed with us. Now we charge 15, we are allowed to have checking, we are allowed to have many different things that we weren't allowed to have in the past.

Banks are charging 19-3/4, 21, depending on where you go and who runs the bank, I guess, so I am not concerned about being gobbled up. The credit unions are doing very well. Mine is doing extremely well, I am proud to say, and the other ones in the City of Waterville are doing fairly well.

What really bothers me about this whole thing is that in the past the banks were very content paying you 5 and 5 1/4 percent on your money and turning around and lending it to you at 9 and 10 and 11; things were just fine then. All of a sudden the mortgages go up to 19 and 20. The banks are holding paper at 6 and 7, I think my dad's is 4 1/2, and all of a sudden things start turning around, so what do the banks do? They start offering CD's at 12 1/2, 13, 14.92 at one time, and they are lending money at 21 and 22. What happens? People in the State of Maine fool them. They are not borrowing money at 20 and 22 because the banks aren't doing anyone any favors.

Lo and behold, here we get this bill that is going to allow a bank from out of state to come in and hopefully help some of these banks out. The thing that really bothers me is, if we pass this bill, are my people back home going to be able to do business with the banks any better, any cheaper? Are they going to be able to expand their businesses? Are they going to be able to borrow for their homes? I doubt it.

The situation the banks are in today they put themselves in. I have been talking over this bill with many of my constituents and they are a little tired of it themselves.

I have no problem voting against this bill because I think the banks ought to take a long, hard look at themselves. They have put themselves in the situation they are in now, and I am not going to vote to help them out; I have no problem with that.

I just want to know, if we pass this bill, is it going to help my people back home? I don't believe it is. But if we do pass this bill, I would like to go out and buy some shares in a few banks right away, because they tell me it is going to be twice and three times the value when this bill goes into effect.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to some of the questions that were brought up by the good gentleman from Waterville, Mr. Jacques, as to whether or not this will help the local people. The primary purpose of the bill is not to bail out financial institutions, that is not the purpose of the bill, so don't be misled by that. The primary purpose of the bill is to increase — the bill itself, rather, will increase speed, efficiency of banking services due to lower operating costs, resulting in a savings to bank customers. It will provide a greater availability of new computer technology and data processing systems, particularly for small banks that can't afford to start up such systems of their own, and it will also give us the ability of Maine residents to cash checks in other states. This is what it basically will do for us.

This bill is not to bail out the local banking. It

will provide more cash, it will make the availability of cash more readily available to Maine residents, and the people that have been talking against this bill, they are afraid of it. Nothing has been said that this will be detrimental to Maine citizens — not a word. They are afraid this might happen, they are afraid this may do this, but nothing definite.

At the hearings that we held, the comments that were made were very positive that this is what we need, it is good for the state, and I haven't heard anything yet today that says this will be bad. The only thing I have heard is, it may do this, it may do that, but nothing concrete.

I hope you will give us the reconsideration motion.

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

Mr. DAVIS: Mr. Speaker and Members of the House: I have listened intently to this debate go on and on and on, and I have been dealing with financial institutions for 33 years. Let me just give you an example of what could happen and what does happen.

If I call an underwriter in Presque Isle, Maine, at the Maine Mutual Insurance Company and ask them to insure a skidder, he knows what I am talking about. If I call an underwriter down in New York, he wants to know, is it a racing boat or a racing auto. That is what you are talking about. When you move that management remote from the need, they lose their sensitivity, and that is exactly what happens.

For instance, in our own office now, we have a bookkeeping system, the work is done in Tampa, Florida and the customer service is in Dallas, Texas. Do you think we are having fun? You bet we are. You just can't deal with them.

The same thing can happen here. These large banking institutions are in this business for money, and what they are interested in is the bottom line. When you remove the management, the decision-makers, from Maine to Boston, New York or Dallas, you are removing something from the people of Maine. You are removing the sensitivity to that little consumer on South Maple Street.

You know, I have never run into any trouble by delaying a purchase. I have bought many automobiles in my life, and if I hesitate a day or two, you know, those people come back and give us a little better deal, and I am sure many of you have had that same experience.

Lastly, if Illinois wants to be a guinea pig, let's let them do it. Let's go along with Miss Gavett this morning and give this bill its proper death.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think you have just heard the best argument for this bill that has been given. The out-of-state bank, if you don't like dealing with them, if they are too far away, you deal with your local bank, and that is the advantage the local bank is going to have. That is why the local banks won't be forced out.

One other thing I want to say, the question was brought up about the banking commissioner being able to promulgate rules. Remember, anything he does has to go through the APA like any other body. It is subject to public hearing, it is subject to court appeal and all of these safeguards.

Finally, as of March 1, the prime rates of the First National Bank of Boston were 16 1/2; Citibank, 16 1/2; Chase Manhattan, 16; New England Merchants, 16 1/2; Shawmut National, 17; State Street, 16 1/2; Casco Bank and Trust, 17; Depositors Trust, 18; Merrill Trust, 18; Maine National Bank, 17 1/4.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Orono, Miss Gavett, that the House reconsider its action whereby this Bill and all its accompanying papers were indefinitely postponed in non-concurrence. All

those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Bell, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Conary, Davies, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Huber, Jackson, P.T.; Jalbert, Kane, Kelleher, Ketover, Livesay, Locke, Lund, MacEachern, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollister, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; O'Rourke, Paradis, E.; Pearson, Peterson, Pouliot, Racine, Richard, Rolde, Telow, Thompson, Vose.

NAY—Aloupis, Armstrong, Baker, Beaulieu, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Carroll, Carter, Chonko, Clark, Connors, Connolly, Cox, Cunningham, Curtis, Damren, Davis, Dexter, Drinkwater, Dudley, Fitzgerald, Foster, Fowle, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.C.; Jacques, Jordan, Joyce, Kany, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, MacBride, Macomber, Martin, A.; McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Murphy, Nelson, A.; Norton, Paul, Perkins, Perry, Post, Pines, Randall, Reeves, J.; Reeves, P.; Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Theriault, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Austin, Berube, Cahill, Callahan, Carrier, Crowley, Day, Hobbs, Laverriere, Paradis, P.; Ridley, Soulas, Soule, Tuttle, Twitchell, The Speaker.

Yes, 51; No, 84; Absent, 16.

The SPEAKER: Fifty-one having voted in the affirmative and eighty-four in the negative, with sixteen being absent, the motion to reconsider does not prevail.

Sent up for concurrence.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

RESOLVE, Authorizing Washington County Vocational-Technical Institute to Lease the Fishing Vessel, Fish Finder" (S. P. 961) (L. D. 2109)

Came from the Senate referred to the Committee on Education and ordered printed.

In the House, under suspension of the rules, the Resolve was read twice, passed to be engrossed without reference to any committee in non-concurrence and sent up for concurrence.

#### Passed to Be Enacted

An Act Concerning Payment of School Committee Debts (S. P. 749) (L. D. 1752) (C. "A" S-437)

Was 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.

#### Enactor Tabled and Assigned

An Act to Eliminate the Requirement that Changes in the Public Utility Rates be Proposed (H. P. 1790) (L. D. 1780)

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

On motion of Mr. Davies of Orono, tabled pending passage to be enacted and tomorrow assigned.

An Act to Amend the Child Support Laws (H. P. 2184) (L. D. 2070) (H. "A" H-671)

Was 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.

The following papers appearing on Supplement No. 3 were taken up out of order by unan-

imous consent:

#### Passed to Be Engrossed

Bill "An Act to Permit and Regulate the Location of Group Homes in Residential Districts" (H. P. 2264) (L. D. 2111)

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

#### Tabled and Assigned

Bill "An Act to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission" (H. P. 2266) (L. D. 2113)

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

Mr. Davies of Orono offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-710) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker and Members of the House: There was a concern expressed by several members of this body on an inadvertent omission in the bill that might have required an individual who wished to pass on a small water company that he owned to his children, that they might have to go through this procedure for prior approval. This amendment would make that unnecessary, so an individual who had a small company and wished to transfer it by gift, devise or inheritance to his children would not have to go through the procedure that would be triggered by this legislation for prior approval.

I move for its adoption.

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

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill "An Act Relating to the Closing of State Liquor Stores in Communities with One Store" (Emergency) (H. P. 1996) (L. D. 1972) which was passed to be engrossed as amended by Committee Amendment "A" (H-641) and House Amendment "A" (H-701) in the House on March 29, 1982.

Came from the Senate with that Body having Adhered to its previous action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-641) in non-concurrence.

In the House:

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

Mr. CARTER: Mr. Speaker, I move that we adhere, and I would urge the Committee on Legal Affairs to study it.

Thereupon, the House voted to adhere.

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

#### Consent Calendar

##### First Day

(H. P. 1794) (L. D. 1784) Bill "An Act to Define the Raising of Seeds as Agricultural Production under the Sales and Use Tax Law" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-708)

(H. P. 1911) (L. D. 1883) Bill "An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-707)

There being no objections, under suspension of the rules, the above items were given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

#### Consent Calendar

##### First Day

(H. P. 2163) (L. D. 2063) Bill "An Act to Provide the Authority to the Commissioner of Marine Resources to Register a Trademark" (Emergency) — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-712)

There being no objections, under suspension of the rules, the above item was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Study Report from the Committee on Health and Institutional Services on Bill "An Act to Provide Appropriations to the Department of Human Services and the Department of Mental Health and Mental Retardation" (H. P. 2268) (L. D. 2115) on which the Report was read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs in the House on March 30.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House:

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

Mrs. NELSON: Mr. Speaker, I move that we insist and ask for a committee of conference and I would like to speak to my motion.

The SPEAKER: The gentleman from Portland, Mrs. Nelson, moves that the House insist and ask for a committee of conference.

The gentleman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Just this morning, we passed L.D. 2116. This was the result of the boarding home study of the Health and Institutional Services Committee, and it is a resolve and it says fine and wonderful things, and if you will bear with me — I feel very much like David taking on Goliath again today, but I feel it is very important and I think that we need to weigh what needs to be said.

This Resolve stated that whereas the boarding home program in this state serves an essential purpose in providing food and shelter for many Maine citizens, and whereas those persons seeking alternatives to home care need adequate referral information on boarding homes and other living arrangements, and whereas assurances are needed that those persons who are in boarding homes receive, through preparation of an individual plan involving services from all necessary departments, adequate and appropriate care and services, and whereas statewide and local planning is important to help determine services to be offered and their distribution throughout the state, and whereas the state's payment of the cost for care and services is substantial and should be expended as carefully as possible, therefore be it resolved that the Department of Human Services shall have the responsibility of developing, implementing and overseeing an assessment tool which can be used to assist those persons considering boarding home care, as well as other alternatives to living at home.

The assessment tool referral system and individual plans shall be developed, shall be developed, in agreement with the Bureau of Maine's Elderly, the Department of Mental Health and Mental Retardation, Maine Committee on Aging and Provider groups, to be used initially for new residents and eventually the entire boarding home population.

As part of that assessment, an appropriate

plan for each resident shall be developed involving all significant parties. And be it further resolved that the Department of Human Services and the Department of Mental Health and Mental Retardation shall insure they seek and allocate sufficient funds for the reimbursement of the appropriate care and services. We passed it under the hammer, unanimously, here in the House and in the Senate, and with it came an accompanying piece, the very piece that makes this happen, and that is an appropriation.

We passed that under the hammer and off to the other body, and that body indefinitely postponed it.

How could you possibly pass a resolve that was so important that it took a study of eight months to finally come up with that resolve and then say, yes, it's terrific and it's wonderful, pat you on the back and send you right along without any money to do it?

This was the first time in the history of the State of Maine that such a study of boarding homes was ever done, and it took a long time for people to sit down and discuss it and we were given \$650,000, along with everybody else in studies, and there just wasn't enough money to do it before the session so it had to be done during the session so it wouldn't cost the state money. Because of that, it took a long time.

We had from our committee Certificate of Need that we dealt with for months, and emergency medical services, and so the study came out late and so the bill with the appropriation came out later.

I understand the pressure we are all under to get things done and over with, but I am simply asking that we insist whereby we assigned this bill, 2115, to the Appropriations Committee and that we ask for a committee of conference so that perhaps this bill, the funding, the meat and heart of the bill, be held over so that it would be considered as one of the first measures that we would consider in the 111th. That is why I made the motion and I hope you will indeed vote for it.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Chair.

Can a bill be held over from this session to the next session?

The SPEAKER: The Chair would answer in the negative.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The chairman of the Health and Institutional Services Committee has recommended that we insist and ask for a committee of conference. She hopes that that committee of conference will then hold the bill over until next year, which is not a legal thing for us to do.

I would tell you that they had eight months to study this particular measure. With five days left on the calendar, they have given us a bill that is for \$1.5 million and asks us to hold a hearing on it. Therefore, I move that we recede and concur.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that the House recede and concur.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Last fall, I went to an Outward Bound course at Hurricane Island and it fitted me for this day, I think, and the days to come and I am ready to take on the battle.

You are absolutely right, I thought I would try everything in hopes of saving this bill in some form, but if we do, indeed, have a committee of conference, perhaps the great minds, the great wisdom of this body and the other body down the hall will be able to come up with some way that this bill could at least be addressed in some appropriate manner.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

The following paper appearing on Supplement No. 10 was taken up out of order by unanimous consent:

#### Leave to Withdraw

Representative Nelson from the Committee on Health and Institutional Services on Bill "An Act to Create an Independent Health Facilities Review Organization" (H. P. 1934) (L. D. 1920) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Criminal Restraint by Parent Law" (H. P. 1969) (L. D. 1944) which was tabled and later today assigned pending adoption of Committee Amendment "A" (H-700)

Mr. Tarbell of Bangor offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-713) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker and Members of the House: This is a friendly amendment to a bill which is designed to assist us in the State of Maine in preventing abduction of children from their parents. This amendment that I am offering to the bill replaces some of the language back in the bill and adds it onto the current committee amendment which would just make it clear that in certain circumstances where the criminal abduction of children occurs outside of the State of Maine but those children are brought back within our state, that that also constitutes a violation of our state criminal code.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to Representative Tarbell. I just looked at the amendment and I remember talking about this in committee and I see a lot of the committee is not here. It was my understanding in committee that the reason why we took this out is because we only wanted our law to apply to people who actually lived in Maine, residents of Maine, who had their children here in Maine, and someone either attempted to take the child out of state or did. Does your amendment say that we are going to deal with children who live in another state?

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, has posed a question through the Chair to the gentleman from Bangor, Mr. Tarbell, who may answer if he so desires and the Chair recognizes the gentleman.

Mr. TARBELL: Mr. Speaker, if Maine parents and Maine children receive a divorce in the State of Maine, wherever those children go, the state court still retains jurisdiction over those children. In the case where Maine parents and Maine children receive a divorce and the custodial parent, say, moves to the State of Florida or moves across the line to New Hampshire or Massachusetts with those children and establishes a new life there and the former non-custodial parent, in violation of both the court divorce decree and in violation of our criminal statutes, goes into that other state, abducts those children and brings them back into the State of Maine, I want to make sure that that

constitutes a criminal violation under our law.

That is the precise reason this bill was brought in to begin with and that is what this is designed to do.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" there to was adopted.

The Bill was assigned for second reading the next legislative day.

The Chair laid before the House the following matter:

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 2239) (L. D. 2098) (H. "B" H-696 and H. "A" H-702 to H. "A" H-695) which was tabled and later today assigned pending adoption of House Amendment "A" to House Amendment "B".

Thereupon, on motion of Mrs. Huber of Falmouth, tabled pending adoption of House Amendment "A" to House Amendment "B" and tomorrow assigned.

By unanimous consent, with the exception of Bills held, all matters were ordered sent forthwith to the Senate.

#### (Off Record Remarks)

On motion of Mr. Boyce of Auburn,  
Adjourned until nine o'clock tomorrow morning.