

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

HOUSE

Wednesday, April 6, 1983

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

Prayer by Father Royal Parent of Saint Martin of Tours Church, Millinocket.

The journal of yesterday was read and approved.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from East Millinocket, Mr. Michaud, to the rostrum for the purpose of acting as Speaker Pro Tem.

Thereupon, Representative Michaud of East Millinocket assumed the Chair as Speaker Pro Tem and Speaker Martin retired from the hall.

Papers from the Senate

Bill "An Act to Amend the Wood Measurement Law" (S. P. 457) (L. D. 1388)

Came from the Senate referred to the Committee on Agriculture and ordered printed.

In the House, was referred to the Committee on Agriculture in concurrence.

Later Today Assigned

Bill "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed. (Committee on Reference of Bills had suggested reference to the Committee on State Government)

In the House, on motion of Mr. Gwadosky of Fairfield, tabled pending reference and later today assigned.

Bill "An Act to Create a Commission on the Financial Needs of Maine Small Businesses" (S. P. 443) (L. D. 1366)

Came from the Senate referred to the Committee on Business Legislation in concurrence.

In the House, was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Relating to the Cutting of Wood on Public Lots" (S. P. 444) (L. D. 1367)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Establish an Office of Foster Parent Advocate" (S. P. 445) (L. D. 1387)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Make Extreme Anger or Extreme Fear Brought About by Adequate Provocation an Affirmative Defense which Reduces Murder to Manslaughter, and to Create the Crime of Intentional or Knowing Manslaughter" (S. P. 447) (L. D. 1368)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Remove Minimum Weekly Charge for Handicapped Workers under the Workers' Compensation Act" (S. P. 448) (L. D. 1369)

Came from the Senate referred to the Committee on Labor and ordered printed.

In the House, was referred to the Committee on Labor in concurrence.

Bill "An Act to Permit the Sale of Liquor After 11 a.m. on Certain Sundays" (S. P. 449)

(L. D. 1370)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Further Clarify the Right of Citizens to Petition for Special Town Meetings" (S. P. 450) (L. D. 1371)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, was referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Change the Method of Financing County Services in the Unorganized Territory" (S. P. 458) (L. D. 1389)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, was referred to the Committee on Taxation in concurrence.

Bill "An Act to Restrict Noise Levels on Motorcycles" (S. P. 452) (L. D. 1373)

Came from the Senate referred to the Committee on Transportation and ordered printed.

In the House, was referred to the Committee on Transportation in concurrence.

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Ensure Just and Reasonable Rates for Utilities Regulated by the Public Utilities Commission" (S. P. 347) (L. D. 1021)

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act to Protect all Customers from Unjust Terminations of Utility Services" (S. P. 346) (L. D. 1020) reporting "Leave to Withdraw"

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Concerning Referenda and Bond Issue Questions" (S. P. 378) (L. D. 1163) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass in New Draft/New Title

Report of the Committee on Health and Institutional Services on Bill "An Act to Provide Itemized Hospital Bills to Medicare Beneficiaries and Medicaid Recipients" (S. P. 182) (L. D. 549) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Hospitals to Provide Itemized Bills Upon Request" (S. P. 460) (L. D. 1391)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to Provide for the Negotiation of Union Security Provisions" (S. P. 267) (L. D. 812)

Report was signed by the following members:
Signed:

Sensors:

DUTREMBLE of York
HAYES of Penobscot

— of the Senate.

Representatives:

BEAULIEU of Portland
NORTON of Biddeford
GAUVREAU of Lewiston
SWAZEY of Bucksport
TAMMARO of Baileyville
TUTTLE of Sanford

— of the House.

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

Report was signed by the following members:
Signed:

Senator:

SEWALL of Lincoln

— of the Senate.

Representatives:

WILLEY of Hampden
LEWIS of Auburn
ZIRNKILTON of Mount Desert

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report of the Committee on Labor read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

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

The SPEAKER Pro Tem: The gentlewoman from Portland, Mrs. Beaulieu, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

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

Mr. WEBSTER: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and would ask for a roll call.

The SPEAKER Pro Tem: The gentleman from Farmington, Mr. Webster, 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, if I may, I would like to ask the honorable gentleman from Farmington just what his reasons are for this motion.

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to be gentleman from Farmington, Mr. Webster, who may answer if he so desires.

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

Mr. KELLEHER: Mr. Speaker, if the gentleman from Farmington doesn't seem to want to answer a reasonable question from a member of this House, then I submit that his motion is most unreasonable.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Mount Desert, Mr. Zirkilton.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I do not know why the gentleman from Farmington made his motion, but I can tell you why I believe you should reject the Majority "Ought to Pass" Report and instead accept the Minority "Ought Not to Pass" Report.

The bill before us this morning opens the door to public employers at both the municipal and school levels to become collectors of union dues from public employees who choose not to join a union. Even worse, the bill could result in public employers having to terminate public employees if they refuse to join the union or to pay a fee in lieu of their union membership.

The proponents of this bill will argue that it merely makes the subject of union security a negotiable item. This argument totally ignores the fact that arbitrators would be allowed to impose such provisions upon public employers, despite their objections. To make union security a negotiable subject under the Municipal Public Employers Labor Relations Law would be to contradict a 1977 Maine Supreme Court decision in School Administrative District 49, the Fairfield area, and the subsequent decision of the Maine Labor Relations Board involving Brunswick. Both decisions held that union security provisions are not permissible under the bargaining law. It should also be pointed out that these decisions confirm the

intent of the legislature when the collective bargaining statute for municipal employees was enacted in 1969.

I hope the 111th Legislature will follow the lead of previous legislatures and reject the "ought to pass" report on L. D. 812. By doing so, we will be saying to public employees and to the unions that represent them that decisions relative to union membership and the collection of union dues are best left to the parties involved.

I hope you will support the gentleman's motion to indefinitely postpone.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I will ask you not to support the motion to indefinitely postpone. Fair-share provisions are already contained in the Maine Labor Relations Act for the University of Maine as well as the VT's.

All this bill says, no matter how you feel about union security provisions, all this bill is asking for is that you allow the municipal level to also be able to negotiate union security clauses. It is that simple and I ask you to reject the motion before you.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Mount Desert, Mr. Zirkilton.

Mr. ZIRNKILTON: Mr. Speaker and Members of the House: What the gentlewoman says is very correct; it allows them to negotiate the union security provisions, but it should be pointed out that in the event this should go to an arbitrator, it is quite possible that this could be imposed upon an employer despite their objections, as I pointed out earlier to you, so in that event it would not be a negotiable item, it would be something that was imposed upon the employer without them wanting to be involved with it.

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 am not an expert on labor issues, so I am going to have to ask a question. In fact, I am not even wearing my 'union suit' this morning — it is that kind of a day outside.

I would like to pose a question to the gentlewoman from Portland, Mrs. Beaulieu, I guess, in response to the comments that were just made by Mr. Zirkilton, and that is, if this bill should become law and the bargaining unit of a municipality bargains with the municipality and finally reaches agreement, I guess, that this is a negotiable item and therefore places all of those employees of that union in a situation where they must join that union, is that, indeed, a reasonable scenario that can occur? In other words, can the outcome of this legislation finally force a public employee of local governments to join a union against his or her will?

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 gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, that would depend strictly on what was negotiated at the local level and agreed to by both parties. If they opted to use that route and they negotiated and both parties agreed, that could occur.

The experience in this state is that most union security clauses do not have that strict provision. And as I said, that would be what happens at the local level. It is none of our business as to what they negotiate and what the language is that they use.

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

Mr. BROWN: Mr. Speaker, Ladies and Gen-

tlemen of the House: The gentlelady from Portland answered my question and the answer to that, I believe, was yes, indeed, it was possible if this bill passes, that a person who is employed by a local unit of government or any other unit of government, I guess, can be forced to join a union.

The gentlelady says that it is none of our business—I think it is our business. I think when we are talking about government at any level, whether we are talking about government at the state level, the county level, the municipal level or the school district level, it certainly is our business and there is a distinction that must be made between public employment and private employment. I think when people, the citizenry, decides to accept a job working in the public sector, for the government, again, at any level, that person should not be in any position to be forced to join a union. That is a different situation than working for private enterprise. I have made that distinction before and I think it is one that is worthy of clarification and distinction.

For that reason, I would urge you to support the gentleman's motion from Farmington that this bill be indefinitely postponed.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Representative Brown has stated there is a distinction between public and private employees. Well, of course there is in terms of who the employer is, but at the same time there is no distinction in the fact that a public employee accepts all the benefits negotiated by his union in the same way that a private employee accepts some of the benefits negotiated by his union.

I would like to pose a question through the Chair to the gentleman from Livermore Falls, Mr. Brown. I would like to know what Representative Brown's solution is for those people who choose not to support their union and who do choose to accept the benefits, how he would suggest that they pay for those benefits? Should they simply accept them without sharing the cost of negotiation, as a free ride, what are his solutions to that problem?

The SPEAKER Pro Tem: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to the gentlemen from Livermore Falls, Mr. Brown, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker, in response to the gentlewoman's inquiry, I think she has indicated that there is an inequity and perhaps there is. I would only respond that there are many inequities through life, as I am sure the gentlelady from Vassalboro is well away.

I think the issue that is before us is one of public employment. You know, we, as keepers of the government, this level of the state government and back home the municipal governments have an obligation, we have an obligation to our employees, and sometimes it is not the same kind of obligation as the free, private enterprise sector has. We have an obligation to make sure our employees are treated well, are paid as well as possible within the confines of the financial constraints of the particular government that we are dealing with, and I think that there is a real distinction there. We are not talking about a sweatshop type of operation when we are talking about government employment. I really believe that if we ask our people who are working—no, not ask, if we tell our people who are working for government, who are working for the public, that they must pay a fee, which is what it amounts to, for having their job with government, that is wrong, that is just as wrong as it can be if we force them to do it.

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

Mr. BAKER: Mr. Speaker, Men and Women of

the House: I recently received a letter in the mail the other day from a little city in Virginia. This letter came from the head of the Right-to-Work Committee based in Virginia, and that letter urged me to oppose several pieces of legislation—one of them is before you now.

The issue before us right now is the same right-to-work issue that has been before this legislature and defeated many times. The difference now is, we are talking about the public sector, the public sector, the big, bad public sector. Private is good; public is bad—that is something that I cannot accept. We simply want to put a situation together where if employees wish to negotiate this into their contracts, that they be allowed to negotiate this into their contracts, and I think they should be able to.

Mr. Zirkilton of Mount Desert was granted permission to speak a third time.

Mr. ZIRNKILTON: Mr. Speaker and Members of the House: In response to the gentlelady from Vassalboro, Mrs. Mitchell's question of how does one go about solving the problem of the so-called free ride, in my opinion, the best way to solve the free ride is to have a union that works very hard for its people and that does a darn good job, because if you give them total free rein, if you allow them to completely and totally collect union dues, despite anyone's objections, no matter what, then they can do whatever they want to do. There is nothing to ensure that they will be doing the best they possibly can for their people at all times. They won't have to be on their toes, they won't have to do anything, because they will be a form of government, they will be collecting a tax and if those people want to work there, they are going to pay that tax, they have no choice.

If you truly want unions to be representative of the employees and if you want to keep them on their toes, then let them receive their union dues because of the job they do, not because you make it into some kind of law.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I think it should be pointed out that what this bill attempts to do is put into law what the Maine Supreme Judicial Court in 1979, in giving an answer of the justices, said in giving this non-binding interpretation, they said that union security provisions in the state employee labor relations act are negotiable. I would hope that by passing this we would clarify what the justices have said and put into law what their intent was. I would hope you would defeat the motion before us.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker and Members of the House: Very briefly and hopefully end the debate—I would like to point out that my response to Representative Brown was reflected in his comments—he forgot a critical sentence that I said, and that was, if it is negotiated at the local level and agreed to by both parties.

We already have a segment of public employees who have this right already, it is in the University Act. And I happen to know for a fact that in the City of Bangor fire fighters and police officers already have a version of a union security clause in their contracts. We are trying to simply set into law what was given to us by the Supreme Court as an advisory opinion—that it is negotiable and that we leave it up to the communities to decide whether they wish to negotiate it and how they wish to negotiate it.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't plan to be up here talking on this bill at all today, and wish I wasn't, I don't feel that great, but there is one thing that you should realize, I think, and having been on both sides of the issue, it is very

plain to me, and that is that not all people want to join the union. I think in this state, about 20 percent of the workers belong to unions. There are obviously a lot of people who do not wish to belong to the unions, they do not wish to have the union bargain for them.

It is a reasonably—it is getting less so everyday—but a reasonably free society, a labor society in this state, but it is fast getting lost because every session of the legislature there are more and more laws giving more and more power in this area. What on earth do you eventually do about those people who do not wish to be represented by the unions? Should they be forced to? As it is now, they don't have to be, in certain areas at least, but every year they are infringed upon a little more, and I think that is the fallacy of this whole thing. For heaven's sake, try to have some compassion for those people who do not wish to be represented by the union.

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

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

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

Mr. TUTTLE: Mr. Speaker, I will be very brief on this issue. I wasn't going to speak on the issue here today. I am a municipal official, as Mr. Willey, and I think a few other people here are. I think that the pending issue before us is to allow those employees to negotiate in their contracts something that they desire. I think that is the issue before us today, and I hope that is what the prevailing motion on the vote is. I think that is the issue that has to be addressed, and the only issue.

I hope that you will defeat the pending motion of indefinite postponement.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

Mr. SWAZEY: Mr. Speaker, I would like to pair my vote with Representative Lewis of Auburn. If she were here and voting, she would be voting yea and I would be voting nay.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Farmington, Mr. Webster, 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—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Conary, Connors, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelly, Kiesman, Lebowitz, Livesay, MacBride, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Ridley, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gwadosky, Hall, Handy, Hayden, Hickey, Hobbins, Jacques, Jalbert, Joseph, Joyce, Kelleher, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Ro-

berts, Rolde, Rotondi, Smith, C.B.; Soule, Stevens, Tammaro, Theriault, Thompson, Tuttle, Vose, Weymouth.

ABSENT—Brown, K.L.; Cashman, Gauvreau, Higgins, H.C.; Kane, Mahany, Melendy, The Speaker.

PAIRED—Lewis-Swazey.

Yes, 62; No, 77; Absent, 8; Paired, 2; Vacant, 2.

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

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act" (S. P. 170) (L. D. 525)

Report was signed by the following members:

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

— of the Senate.

Representatives:

BEAULIEU of Portland
LEWIS of Auburn
GAUVREAU of Lewiston
ZIRNKILTON of Mount Desert
SWAZEY of Bucksport
TAMMARO of Baileyville
TUTTLE of Sanford

— of the House.

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

Report was signed by the following members:

Signed:

Senator:

SEWALL of Lincoln

— of the Senate.

Representatives:

WILLEY of Hampden
NORTON of Biddeford

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report of the Committee on Labor read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

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

The SPEAKER Pro Tem: The gentlewoman from Portland, Mrs. Beaulieu, moves that the Majority "Ought to Pass" Report be accepted.

The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker and Members of the House: I hope you will not support that motion. I don't feel strongly about this bill at all simply because it involves only state employees. The problem that I have with it is due to the complicated makeup of the state system whereby the pay scales are set.

Normally, I would think this was something that should be negotiated, but you have got to remember that the Hay study of a few years ago came up with something like 1,400 different rates of pay categories within the state pay system. Within each one of those there are, I believe, seven different pay scales within those work categories. I don't suppose there is a single soul that works anywhere under any conditions but what believes they are entitled to be in the next pay scale, they feel they are better than they are paid to be and they want to get promoted through that system to get into the next bracket.

Well, it is currently arranged that there are

six people working of the State Labor Department whereby they review these things all the time to see that people are indeed in the category that they deserve to be in. Well, in the past they haven't been able to negotiate through the union the idea of a break through to work from one category to another. This would allow them to do so, would open up the whole thing, and I think what would happen is that suddenly 15,000 employees would think they should be in the next category above what they are, in which case it would be absolute chaos. It would take them years to straighten it out.

It seems to me that the system is pretty well done now, that there are very few instances of inequities, that there would be some in any event.

I also think you should be aware of something else. With the system that the state uses now, I don't see how on earth they could ever administer this thing or live with it, and I think there would be a very good chance that the Governor might veto the bill if it passes this House.

I wanted you to be aware of those things because without sitting on the Labor Committee I see very little reason why anybody should. It would only affect state employees, but there are 15,000 of those, so I think you should give it every consideration and hopefully defeat the "ought to pass" report.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The question this bill puts before us is, should employees be able, in negotiations with the Governor, to ask for specific increases for certain groups of employees, or are they limited to just demanding across-the-board increases? We contend that it should be a bargainable right. It has been bargainable before in this state, it did not cause unusual delays, and we contend that it is a basic right to bargain over these issues. If this can be bargainable at all other levels, why should it be pre-empted at this level?

We feel very strongly and experience has shown very clearly in the past that this has not created enormous delays in the bargaining process. As a matter of fact, the state itself sought to go outside the Hay system twice, once through negotiations in the case of engineers and once by legislation in the case of actuaries. So we feel that the classification system should be negotiated, and the debate over the adoption of the Hay Report clearly shows that the legislature wanted to get out of the business of deciding what the appropriate pay should be for a particular state job. As a matter of fact, at that time former Representatives that I served with, Representatives Spencer, Tierney and Bustin, stated on the record that future changes in pay for specific jobs would have to be negotiated, and that was accepted by that former body. Granted, we are not bound to that; however, we feel that the bill is in order and we ask you to support it at this point in time.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Messages and Documents

The following Communication:

Maine Department of Agriculture
Food and Rural Resources
Deering Bldg. (AMHI)
State House Station 28
Augusta, Maine 04333

March 29, 1983

The Honorable John L. Martin
Speaker of the House of Representatives
Maine State Legislature
State House Station #2
Augusta, Maine 04333
Dear Mr. Speaker:

It is my privilege to submit herewith my annual report to the Maine State Legislature pursuant to Title, 7, section 2.

I take this opportunity, also, to express my appreciation to members of the Legislature for their ongoing concern for the agricultural industry of the State.

Sincerely,
S/STEWART N. SMITH
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:
Donald A. Brown
State Controller

Francis E. Crocker
Deputy State Controller
State of Maine
Department of Finance and Administration
Bureau of Accounts and Control
State House
Augusta, Maine 04333
Governor Joseph E. Brennan,
Members of the Legislature,
and Other Citizens of Maine

In accordance with Title 5, MRSA, Section 1547 the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1982.

The statements present the financial position of the various funds of the State, their resources and expenditures for the fiscal year then ended. Comparative budgetary data as well as footnotes and statistical information have been included in this report to promote a better understanding of the State's finances.

In compliance with statutory requirements, the State's accounting records covering the four years ended June 30, 1982, have been audited by Ernst and Whinney, independent public accountants. Their report on the Combined Balance Sheet is contained on the following page. Due to the terms of their engagement requiring an examination of four year rather than annual operating statements, their opinion does not cover the financial statements that relate to revenues and expenditures for the year ended June 30, 1982. However, they have expressed an opinion upon those operating statements which relate to revenues and expenditures for the four years ended June 30, 1982. Copies of those statements and opinion are available at the Bureau of Accounts and Control upon request.

Question or comments about this report are always welcome.

Respectfully submitted,
S/DONALD A. BROWN
State Controller

Was read and with the accompanying report ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

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

Aging, Retirement and Veterans

Bill "An Act to Provide a Veteran's Bonus to Viet Nam Veterans" (H. P. 1076) (Presented by Representative Lehoux of Biddeford) (Cosponsors: Representatives Paradis of Old Town and Tuttle of Sanford)

(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act to Provide Access to Insurance Rate Filings before a Rate Filing Becomes Effective" (H. P. 1077) (Presented by Representative Brannigan of Portland)

(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act Relating to Issuance of Absentee

Ballots by Municipal Clerks" (H. P. 1078) (Presented by Representative Racine of Biddeford) (By Request)

(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Authorize Easements for the Purpose of Sewage Disposal and to Eliminate Undersized Rights-of-way on Certain Leased Lots Owned by the Town of Bridgton" (H. P. 1079) (Presented by Representative Jackson of Harrison) (Cosponsors: Senator Twitchell of Oxford and Representative Kiesman of Fryeburg) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Control Hazardous Air Pollutants" (H. P. 1080) (Presented by Representative Andrews of Portland) (Cosponsors: Representatives Jacques of Waterville, Hall of Sangerville, and Senator Kany of Kennebec)

(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Insure Fairness in the Administration of the United States Social Security Act by the State Disability Determination Services" (Emergency) (H. P. 1081) (Presented by Representative Andrews of Portland) (Cosponsors: Senator Bustin of Kennebec, Representatives Carroll of Gray, and Melendy of Rockland)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Create a Board of Review for the Judiciary" (H. P. 1082) (Presented by Representative Andrews of Portland) (Cosponsors: Representatives Reeves of Pittston, Hobbins of Saco, and Hayden of Durham)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act to Establish a State Standard for Funding Certain Workers under the Workers' Compensation Commission" (H. P. 1083) (Presented by Representative Theriault of Fort Kent) (Cosponsors: Speaker Martin of Eagle Lake, Representative Beaulieu of Portland, and Senator Violette of Arroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law" (H. P. 1084) (Presented by Representative Jalbert of Lewiston) (Cosponsors: Senator Charette of Androscoggin, Representatives Higgins of Portland, and Dillenback of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

Bill "An Act to Provide for State Service Payments to Municipalities in which State-owned Buildings are Located" (H. P. 1085) (Presented by Representative Diamond of Bangor) (Cosponsors: Representatives Paradis of Augusta, McHenry of Madawaska, and Senator Wood of York)

Committee on State Government was suggested.

On motion of Mr. Carter of Winslow, tabled pending reference and later today assigned.

Later Today Assigned

Bill "An Act to Provide as an Emergency that the Requirement that Persons over 75 Years of

Age Take Periodic Driving Tests be Eliminated" (Emergency) (H. P. 1086) (Presented by Representative Racine of Biddeford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Transportation was suggested.

On motion of Mr. Strout of Corinth, tabled pending reference and later today assigned.

Transportation

RESOLUTION, Proposing an amendment to the Constitution of Maine to Undedicate the Highway Fund (H. P. 1087) (Presented by Representative Gauvreau of Lewiston) (Cosponsors: Senators Wood of York, Clark of Cumberland, and Representative Rolde of York)

(Ordered Printed)
Sent up for concurrence.

House Reports of Committees Unanimous Leave to Withdraw

Representative Dillenback from the Committee on State Government on Bill "An Act Relating to Property Disposal by the Department of Transportation" (H. P. 863) (L. D. 1112) reporting "Leave to Withdraw"

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act Concerning Zoning Variance Approval" (H. P. 390) (L. D. 473) reporting "Leave to Withdraw"

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Create a Land Use Hearing Examiner" (H. P. 388) (L. D. 471) reporting "Leave to Withdraw"

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act Concerning Open Burning at Municipal Solid Waste Disposal Sites" (H. P. 474) (L. D. 572) reporting "Leave to Withdraw"

Representative Lebowitz from the Committee on State Government on RESOLVE, Authorizing the Department of Educational and Cultural Services to Charge, Collect and Expended Fees for Public Services Not Funded by the Legislature (H. P. 493) (L. D. 590) reporting "Leave to Withdraw"

Representative Kiesman from the Committee on Energy and Natural Resources on Bill "An Act Relating to Transportation of Hazardous Resources on Bill "An Act Relating to Transportation of Hazardous Waste" (H. P. 391) (L. D. 474) reporting "Leave to Withdraw"

Representative Gwadosky from the Committee on State Government on Bill "An Act to Establish a Uniform Maximum Per Diem Allowance for State Boards and Agencies" (H. P. 885) (L. D. 1139) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft

Representative Vose from the Committee on Marine Resources on Bill "An Act to Protect Underwater Electric Cables and to Increase the Penalties for Violations" (H. P. 461) (L. D. 563) reporting "Ought to Pass" in New Draft (H. P. 1073) (L. D. 1405)

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Thursday, April 7.

Ought to Pass in New Draft/New Title

Representative McHenry from the Committee on Local and County Government on Bill "An Act to Equitably Share the Cost of Police Training Among Municipalities" (H. P. 17) (L. D. 13) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Equitably Share the Cost of Police Training" (H. P. 1075) (L. D. 1407)

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Thursday, April 7.

Consent Calendar First Day

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

(H. P. 571) (L. D. 719) Bill "An Act Relating to Mobile Home Parks"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-115)

(H. P. 711) (L. D. 902) Bill "An Act to Define Cider"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-116)

(S. P. 145) (L. D. 436) Bill "An Act to Eliminate the Requirement that Supreme Judicial Court Briefs be Bound"—Committee on Judiciary reporting "Ought to Pass"

(H. P. 260) (L. D. 320) Bill "An Act Relating to the Capitalization and Board of Directors of the Maine Fidelity Life Insurance Company"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-118)

There being no objections, the above items were ordered to appear on the Consent Calendar of April 7 under the listing of Second Day.

Consent Calendar Second Day

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

(H. P. 311) (L. D. 370) Bill "An Act Relating to the Posting of Performance Bonds for Rezoning"

(H. P. 817) (L. D. 1057) Bill "An Act Exempting Interstate Domestic Flights from the Bottle Bill"

(H. P. 681) (L. D. 837) Bill "An Act to Improve the Operation of the Maine Real Estate Commission"

(H. P. 832) (L. D. 1086) Bill "An Act to Amend the Requirements and Adjust the Fees for the Licensing, Inspection and Permitting of Fireworks Displays and the Storage and Transportation of Explosives and Flammable Liquids"

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

(H. P. 562) (L. D. 712) RESOLVE, to Authorize a Pole and Transmission Line Easement on Chokecherry Island and Mattanawcook Island and a Portion of the Penobscot River in the County of Penobscot.

On the request of Mrs. Mitchell of Vassalboro, was removed from the Consent Calendar.

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

(H. P. 63) (L. D. 69) Bill "An Act to Exempt Carriers of Wood Products from Cargo Insurance Requirements" (C. "A" H-113)

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

Second Reader Later Today Assigned

Bill "An Act Creating the Passamaquoddy Water District" (Emergency) (H. P. 348) (L. D. 407)

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

On motion of Mr. Vose of Eastport, tabled pending passage to be engrossed and later today assigned.

Passed to Be Engrossed Amended Bills

Bill "An Act to Increase the Compensation Benefits for Employees Formerly Working for a

Bankrupt Employer" (H. P. 762) (L. D. 993) (C. "A" H-104)

Bill "An Act to Allow Voter Registration and Party Enrollment on the Same Form" (H. P. 309) (L. D. 368) (C. "A" H-109)

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

Passed to Be Enacted Emergency Measure

An Act to Provide for Voluntary Inspection of Trailers and Semitrailers under the Motor Vehicle Laws (H. P. 911) (L. D. 1161) (C. "A" S-40)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide for the Negotiation of Seniority Provisions for Teachers (H. P. 1043) (L. D. 1350)

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

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a good compromise and I feel very strongly that it will be beneficial to the people in my district, and I would like to have a roll call so I can be recorded as supporting this bill.

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

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

The SPEAKER Pro Tem: The pending question is on 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—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Conners, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McGowan, McHenry, McPhereson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Roberts, Roderick, Rolde, Rotondi, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stover, Strout, Swazey, Tammara, Telow, Theriault, Thompson, Tuttle, Vose, Webster, Wentworth, Weymouth, Willey, Zirkilton, The Speaker.

NAY—Stevenson, Walker.

ABSENT—Brown, K.L.; Cashman, Conary, Gauvreau, Higgins, H.C.; Kane, Lewis, Mahany,

Ridley, Salsbury.

Yes, 137; No, 2; Absent, 10; Vacant, 2.

The SPEAKER Pro Tem: One hundred and thirty-seven having voted in the affirmative and two in the negative, with ten being absent and two vacant, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Enactor Tabled Unassigned

An Act Relating to Training Penobscot Law Enforcement Officers (S. P. 81) (L. D. 192)

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

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage to be enacted.

Passed to Be Enacted

An Act Concerning the Guidelines for State Contract Process and Appeal of Decisions (S. P. 437) (L. D. 1316)

An Act to Revise the University of Maine Arbitration Procedures (S. P. 440) (L. D. 1319)

An Act to Expedite the Handling of Changes in Voter Registration (H. P. 12) (L. D. 8) (C. "A" H-83)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Tabled and Assigned

An Act to Prohibit Shooting within 100 Yards of any Dwelling During Hunting Season (H. P. 167) (L. D. 198) (C. "A" H-90)

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

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

Mr. ARMSTRONG: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and would request a roll call.

The SPEAKER Pro Tem: The gentleman from Wilton, Mr. Armstrong, moves that this bill and all its accompanying papers be indefinitely postponed. The gentleman may proceed.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: The current law, if any of you care to look at your L. D.'s, L. D. 198 prohibits the discharge of any firearm within 100 feet of a residential dwelling unless you have the permission of the owner. The bill sponsored by Representative Lewis changed that to 100 yards and there was some discussion before that apparently it would be difficult for the Department to enforce, but I really have a problem with the amendment, which is filing No. H-90, and if you will look at the amendment it says: This subsection shall not apply to a person or his guest discharging a rifle or handgun on property owned by that person. Maybe many of you don't realize it, but right now you can't fire a gun within 100 feet of a neighbor's dwelling without their permission, that is the current law.

If you pass this law with the amendment, you, in fact, can fire a gun, a handgun, a rifle, within two feet of the neighbor's dwelling if your property abuts up to your neighbor's property. The amendment, unbelievably, takes away not only the 100 yard limitation but the 100 feet limitation. It says, and I quote again: "This subsection shall not apply to a person or his guest discharging a rifle or handgun on property owned by that person." I can shoot a gun on my land, according to this amendment, standing on the edge of my land, and if the edge of my land is 10 feet away from Representative Foster's house there is nothing she can do about it. At least now, under the current law, there is a 100 foot limitation that says I can't shoot a gun within 100 feet of her house unless I have permission from her. While I did have problems increasing the 100 feet to the

100 yard limitation, I think the sponsors of this bill are negating even the 100 feet limitation if this amendment which is now part of the bill passes.

I urge you to read this to see if that is what you want to do because I think those that are trying to get the hunters away from their houses, if they vote for this with the amendment, are, in fact, saying that if the hunter owns land up next to the window, the hunter and his guest can stand there and shoot all day and even if it is 25 feet from the guy's bathroom window, there isn't anything he can do about it.

I would urge you to vote for the indefinite postponement of this bill and all its accompanying papers. I do ask for a roll call and if you have any questions, I would urge you to read the thing and see if you think it says the same thing I think it says.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the previous speaker, but out of fairness I would hope somebody would table this bill until Representative Lewis is here. She is not present and she is the sponsor of the bill.

On motion of Mr. Vose of Eastport, tabled pending the motion of the gentleman from Wilton, Mr. Armstrong, that the Bill and all its accompanying papers be indefinitely postponed and specially assigned for Friday, April 8th.

An Act Limiting Positions of Trust for Prisoners in Jails to those Prisoners Sentenced or Transferred to that Particular Jail (H. P. 170) (L. D. 200) (C. "A" H-87)

An Act Relating to Unreasonable or Unjust Rent in Mobile Home Parks (H. P. 340) (L. D. 399)

An Act to Include Water and Sewer Districts in the Local Government Energy Conservation Program (H. P. 476) (L. D. 573)

An Act to Create the Maine Lemon Law (H. P. 665) (L. D. 848) (C. "A" H-93)

An Act to Change the Jurisdiction for Regulation of Schools of Barbering and Schools of Hairdressing and Beauty Culture (H. P. 712) (L. D. 903)

An Act to Transfer Residual Jurisdiction of the Public Utilities Commission Over Municipal Transit Districts to the Department of Transportation (H. P. 745) (L. D. 957)

An Act to Amend the Act Restricting Rate Increase Proposals by Public Utilities (H. P. 748) (L. D. 960)

An Act to Require the Public Utilities Commission to Expeditiously Process Consumer Complaints (H. P. 749) (L. D. 961)

An Act to Clarify the Definition of Child or Children and to Delete Restrictions on Death Benefits to Spouses in the Retirement System Statutes (H. P. 766) (L. D. 996)

An Act to Clarify the Use of Vocational-technical Institutes' Facilities by Others (H. P. 771) (L. D. 1001)

An Act Relating to Attorneys Searching and Certifying Title to Real Estate (H. P. 969) (L. D. 1225) (H. "A" H-86)

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 Establish Mandatory Minimum Fines for Unauthorized Taking of Agricultural or Forestry Products (H. P. 1017) (L. D. 1314)

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

On motion of Mr. Michael of Auburn, tabled pending passage to be enacted and tomorrow assigned.

An Act to Permit Persons Under 18 Years of

Age who Pass the Test for General Educational Development to Receive a High School Equivalency Certificate at that Time (H. P. 1022) (L. D. 1323)

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 Prohibit Hazing at Post-secondary Institutions (H. P. 1023) (L. D. 1324)

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

On motion of Mr. Gwadosky of Fairfield, tabled pending passage to be enacted and tomorrow assigned.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would thank the gentleman from East Millinocket, Mr. Michaud, for acting as Speaker Pro Tem.

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

An Act to Provide for Consideration of the Age of the Victim in Sentencing Criminal Offenders (H. P. 1027) (L. D. 1328)

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.

Finally Passed

RESOLVE, Authorizing the State Director of Public Improvements to Convey a Right-of-way Across the Elizabeth Levinson Center in Bangor (H. P. 1018) (L. D. 1315)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Resolve finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill "An Act to Require Campaign Contributions to be Reported in the Lobbyist Disclosure Law" (S. P. 456) (L. D. 1352)

Tabled—April 5, 1983 by Representative Gwadosky of Fairfield.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed in concurrence.

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

HOUSE REPORT—"Ought to Pass"—Committee on Local and County Government on Bill "An Act Concerning the Financial Responsibility of the County for Medical Expenses of Prisoners" (H. P. 671) (L. D. 854)

Tabled—April 5, 1983 by Representative McHenry of Madawaska.

Pending—Acceptance to Committee Report.

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

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

SENATE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (S-34)—Committee on Business Legislation on Bill "An Act to Amend the Maine Consumer Credit Code" (S. P. 219) (L. D. 656)

Tabled—April 5, 1983 by Representative Brannigan of Portland.

Pending—Acceptance of Committee Report.

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

Committee Amendment "A" (S-34) was read. The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, I offer House Amendment "A" to Committee Amendment "A" and move its adoption.

House Amendment "A" to Committee Amendment "A" (H-114) was read by the Clerk.

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

Mr. DIAMOND: Mr. Speaker, I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bangor, Mr. Diamond, moves the indefinite postponement of House Amendment "A" to Committee Amendment "A". The gentleman may proceed.

Mr. DIAMOND: Mr. Speaker, Members of the House: It is with great reluctance that I get up and oppose my good friend from Portland, Mr. Brannigan, on this particular issue. His committee has done a lot of work on the meat of this bill itself and has worked hard in proposing this amendment. Normally, I would not oppose it, I would try to iron out my differences ahead of time, something that we did attempt to do earlier. However, this is a very significant measure that is being proposed in this amendment. It is one that I object to very strongly, and for that reason I feel I must get up and explain my reasons for objecting to it and my request for indefinite postponement of this measure.

The amendment itself deals with a small section of the bill that deals with open-ended lines of credit, credit cards with department stores, Maine based operations, etc., and it sets certain criteria for the changing in the terms of those arrangements between a creditor and a consumer.

Right now, the law in Maine says that if the terms of the arrangement are to be changed, the creditor, a bank or the department store, whatever, has to give the consumer 90 days' notice. They also have to give three written notices that the terms are going to change prior to the effective date, and if the consumer wants to avoid having their outstanding balance affected by the change in these terms, then the consumer must give 30 days' notice to the creditor that they want separate arrangements to be made. Maine's consumer law, in this respect, is much stronger than most states and for this reason it has been singled out as being a fair and strong consumer protection for the people of our state.

The proposed amendment changes that—it suggests that that time, that 90 day notification period in the change of the terms of the agreement, be reduced from 90 days to 30 days. If adopted, it would require that the notification period to the creditor from the consumer be changed from 30 days to 7. I find that objectionable and I think it would be a serious weakening of our consumer credit laws.

I oppose this amendment and have one that is being drafted currently that would find a middle ground, would address the concerns of those people who would like to see that 90 day arrangement reduced to 30. My proposal would say it would go down to 60 days' notification of the consumer and 15 days' notification from the consumer to the creditor rather than the 30 days' notice that is required here. I think that is fair and takes into consideration a number of things that this particular amendment does not deal with. For example, I know my wife and I deal with our bills in a certain way, we tend, when they come in, to set them aside and pay them off all at once.

Under this bill, we would have 23 days to renegotiate with your creditor or you may be stuck with some dramatically different terms on that \$1,000 or so outstanding balance with your credit card either with the bank or with a department store or what have you, or with just a credit arrangement if you have an open ended credit arrangement with a particular business.

I don't think that is sufficient enough notice. I think Maine's law has worked well, I see no reason for changing it. If there are reasons that the committee does feel that it is necessary to reduce that amount of notification that creditors give their customers, I think a 60 day notice is the most we could accept. I have talked to business people and nobody that I have talked with has any objections to the amendment that would be proposed, should we defeat this, but for this particular measure, I think it is unfair to people, it is unjust and I urge your support of the motion to indefinitely postpone.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: The Business Legislation Committee deals with the Consumer Credit Code. In each of its legislative sessions, there are bills presented to weaken it, there are bills presented to strengthen it and to change it. It is a constant concern of our committee and of myself that we keep this Consumer Credit Code as strong and as tough as possible; yet, we must keep it within reasonable bounds. Our code is though, it is not only tougher than federal regulations, it is tougher than the uniform code that most people have.

It is true that we have had a 90 day notification period on these open-end credit arrangements. The federal law allows for just 15 days, and that is what was asked of us in the bill that came in from financial institutions asking us to make many changes, weakening and changing the Consumer Credit Code. We killed everyone of those measures except that we did allow that 15 days was too short, as the federal government allows, but we thought, as did the head of our Consumer Credit Protection at that time, Barbara Alexander, that 30 days would be sufficient with a 23 day chance to renegotiate. This does not affect outstanding balances as long as you rearrange within the 23 day period.

We got another bill from Consumer Credit Protection to change and stiffen in places the code—we passed every one of those except for one. Our committee has been strong and is always strong in guarding consumer credit protection in the Consumer Credit Code, which in our state is fine.

We are concerned, however, that we want to keep this within the State of Maine, we do not want banks, especially, slipping out from under our Consumer Credit Code for two reasons—one is, the federal law is so much weaker, and two, when they go to federal charters, we lose their support. The more we lose their support, and one bank went in the last few weeks and I will tell you that there are others considering it, once they go, they do not support any longer our Bureau of Consumer Credit Protection and we may lose. It is a very serious threat to consumers of this state that we may lose that group. We may lose the support financially, and we will not be able to have a separate bureau, so our committee tried, in all fairness, to adjust and keep a strong Consumer Credit Code but to make it fair and equitable.

I would ask you to support our committee amendment and therefore oppose the indefinite postponement and allow this bill to become law.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: There are a couple of points that my good friend from Portland brought up that I think need to be clarified because I believe they are erroneous.

This bill deals with more than just banks; yet, the federal protections that he says are less stringent than ours only deal with banks. We are talking about more than just banks, we are talking about the department stores and all the other businesses that have this sort of

open-ended lines of credit. So even if these banks do go good for this threat, if it is indeed a threat to federal charter rather than comply with the Consumer Credit Code that they feel is tougher than what they would like, this watering down still goes well beyond what would be covered there. So if there is an argument that we are establishing a protection that still is greater than the federal protection, we are only doing so for a very narrow group of businesses involved. That particular group is the one that brought this to the committee as a matter of their concern, but it is something, again, that I don't think is most important to them.

I talked with the people who did approach the committee about it and they are receptive to the idea of a longer waiting period. This is not the type of thing that is going to throw them out. I also touched bases with people in the banking industry who have not been down to Augusta, have not been directly involved in this, and they have no problem with 90 days, but they said that 60 days would certainly be more convenient for them, it would save them an extra mailing.

This is a pretty significant piece of legislation. I would not be arguing this strenuously if it were not so important.

I ask again that you would support the motion to indefinitely postpone. I think it is in the best interest of the consumers and the businesses involved. Again, some of these businesses that we are talking about also have these same open-ended lines of credit with other creditors and they, too, would be affected by this. It certainly is something I think we ought to consider.

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

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Bost, Brodeur, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Handy, Hobbs, Jacques, Joseph, Kane, Kiesman, Kilcoyne, LaPlante, Lebowitz, Locke, MacEachern, Macomber, Manning, Matthews, Z.E.; McCollister, McHenry, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Paradis, P.E.; Paul, Perry, Reeves, P.; Ridley, Roberts, Roderick, Rolde, Rotondi, Scarpino, Sherburne, Smith, C.B.; Soucy, Soule, Sproul, Stevenson, Strout, Swazey, Tamaro, Thompson, Vose, Wentworth, The Speaker.

NAY—Armstrong, Bell, Benoit, Bonney, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Conary, Connors, Cooper, Curtis, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Gwadosky, Hall, Hayden, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jalbert, Joyce, Kelleher, Kelly, Ketover, Lehoux, Lisnik, Livesay, MacBride, Martin, A.C.; Martin, H.C.; Masterman, Master-ton, Matthews, K.L.; Maybury, McGowan, McPherson, McSweeney, Michael, Murphy, Murray, Nelson, Norton, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Salsbury, Seavey, Small, Smith, C.W.; Stevens, Stover, Telow, Theriault, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Bott, Brown, K.L.; Cashman, Dillenback, Higgins, H.C.; Lewis, Mahany, Tuttle.

Yes, 70; No, 71; Absent, 8; Vacant, 2.

The SPEAKER: Seventy having voted in the affirmative and seventy-one in the negative, with eight being absent and two vacant, the motion does not prevail.

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

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Relating to the Licensing of Dental Radiographers" (H. P. 996) (L. D. 1329)

—In House, Referred to the Committee on Health and Institutional Services on March 25, 1983.

—In Senate, Referred to the Committee on Business Legislation in non-concurrence.

Tabled—April 5, 1983 by Representative Nelson of Portland.

Pending—Further Consideration.

On motion of Mrs. Nelson of Portland, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372) which was tabled and later today assigned pending reference. (In Senate, referred to the Committee on Appropriations and Financial Affairs) (Committee on Reference of Bills had suggested the Committee on State Government)

On motion of Mr. Gwadosky of Fairfield, tabled pending reference and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Provide for State Service Payments to Municipalities in which State-owned Buildings are Located" (H. P. 1085) which was tabled and later today assigned pending reference. Committee on State Government was suggested.

On motion of Mr. Carter of Winslow, tabled pending reference and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Provide an Emergency that the Requirement that Persons over 75 Years of Age Take Periodic Driving Tests be Eliminated" (Emergency) (H. P. 1086) which was tabled and later today assigned pending reference. (Committee on Transportation was suggested)

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Creating the Passamaquoddy Water District" (Emergency) (H. P. 348) (L. D. 407) which was tabled and later today assigned pending passage to be engrossed.

Mr. Vose of Eastport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-117) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: As I pointed out yesterday, unfortunately the wrong committee amendment was placed on the bill when it came up to this body, and yesterday the committee amendment was indefinitely postponed and this House Amendment now takes its place. This is the correct committee amendment.

Thereupon, House Amendment "A" was adopted.

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

(Off Record Remarks)

Mr. Ainsworth of Yarmouth was granted unanimous consent to address the House.

Mr. AINSWORTH: Mr. Speaker, Ladies and

Gentlemen of the House: Today, I would like to try and pay my respects and those of fellow legislators to the memory of James Mayo.

How does one try to put into words the deep feeling, love and respect due such a dedicated citizen and family man? In only a few months, Jim brought into this chamber a warmth, sincerity and intelligent awareness of what it takes to be a gifted legislator. Never in my more than 60 years have I been privileged to meet a man with Jim's talent, humility and dedication. It was an experience that will last me the rest of my lifetime. My hope is that James Mayo's name will not be linked too tightly with "that freshman legislator." Perhaps you will agree that James Mayo should be remembered as a veteran in every sense of the word, and a true professional.

At this point, the members stood for a moment of silence in memory of Representative Mayo of Thomaston.

On motion of Mr. Ainsworth of Yarmouth,
Adjourned until nine o'clock tomorrow morning in memory of Representative Mayo of Thomaston.