

# 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, May 11, 1983

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

Prayer by Father John J. Civiello of St. Ann's Catholic Church, Indian Island.

The journal of yesterday was read and approved.

## Papers from the Senate

Bill "An Act to Streamline Information Processing by Income Supplementation and Social Service Programs" (S. P. 533) (L. D. 1564)

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 Create the Finance Authority of Maine" (S. P. 534) (L. D. 1565)

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

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

## Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require the Use of Seat Belts in all Motor Vehicles" (S. P. 263) (L. D. 808)

Report was signed by the following members: Senators:

DIAMOND of Cumberland  
EMERSON of Penobscot

— of the Senate.

Representatives:

MOHOLLAND of Princeton  
NADEAU of Lewiston  
CARROLL of Limerick  
STROUT of Corinth  
CAHILL of Woolwich  
THERIAULT of Fort Kent  
MACOMBER of South Portland  
REEVES of Pittston  
CALLAHAN of Mechanic Falls

— of the House.

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

Report was signed by the following members: Senator:

DANTON of York

— of the Senate.

Representative:

McPHERSON of Eliot

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I move we accept the Majority Report.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the Majority "Ought Not to Pass" Report be accepted in concurrence.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division and I would like to speak to my motion.

The bill that is before you today is a bill that requires all motorists and passengers to wear their seat belts. It may be a lot to ask of this legislature to deal with an issue like this, coming as it has after child safety restraints and motorcycle helmets. It may be just a bit much to ask. However, I would like to state my case before you this morning.

You may recall that during the debate on motorcycle helmet laws, very often it was brought up, why did we single out one particular group for a safety device. This particular bill deals not with a particular group of motorists

but the majority of motorists, all motorists.

Now, I didn't consult my local police chief on this one, I never even spoke to my selectman about it either; however, I did call the American Automobile Association. Interestingly enough, the survey conducted by the Maine Branch of the American Automobile Association showed a marked increase in the number of people surveyed that are coming to accept the idea of having to wear the seat belts. It is not the majority, it is only 43 percent in favor and 54 opposed. However, what I would like to point out by the survey, it was pointed out to me by the legislative coordinator for the American Automobile Association, is that in the past it has been unanimously opposed to wearing of seat belts; now there is an increase among the membership of the American Automobile Association that is coming around to feeling that we ought to have a mandatory seat belt law.

One of the arguments that has been used on this is that this is, again, a matter of choice issue. Many of us have driven into Quebec. Quebec has a mandatory seat belt law. I don't think anybody has lost their personal freedoms on their way out of Quebec and on their way back to Maine.

Right now, the Province of New Brunswick is about to introduce a mandatory seat belt law. I would like to remind this body that the government, the prevailing government in New Brunswick, is a Tory government, a conservative government, albeit a progressive conservative government. In time, all the surrounding Canadian Provinces will have mandatory seat belt legislation.

For those of you who are interested in hospital cost containment and keeping insurance rates down, this is a vehicle with which to do it. Remember, it is not simply yourself that has personal responsibility when you go flying through that windshield and cut yourself to pieces, there are other considerations—all of us suffer because people do not wear seat belts in terms of our costs and in terms of insurance.

I will leave you with one parting thought—a representative from General Motors was up here to testify in favor of the bill. I cannot help but recall a very famous saying: "What is good for General Motors is good for the rest of the country."

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

Mr. PARADIS: Mr. Speaker and Members of the House: Very briefly, I would like to commend the gentleman from Portland for his valiant efforts in regard to motor vehicle safety.

Last night the Maine Highway Safety Committee, the Subcommittee on Public Information and Education met. They asked me to make this statement to the body: I don't know whether or not this bill will be passed, but I think all of us ought to be aware that last year 166 people lost their lives on the Maine roads; none were wearing seat belts.

According to statistics that we have compiled through the Federal Highway Safety Administration, fully 90 percent of these fatalities could have been averted had they been wearing seat belts. Perhaps the feeling outside in the communities in Maine is that they do not want mandation of seat belts, mandatory seat belts. It is difficult for us to vote when our constituents don't support us in an endeavor, but I can't help but wonder that one of these days, hopefully in the not too distant future, the gentleman from Portland, Mr. Baker's bill will be enacted by this body, will become law, and some of the needless motor vehicle fatalities will be averted.

We have an obligation, perhaps, and I know the Maine Highway Safety Committee does, to try to educate the public and try to sort of begin a groundswell of support, the way we did on the alcohol related fatalities, and pass a stiff alcohol, OUI, law to get the drunk drivers off the roads. I hope this isn't too distant. I hope to be a member of this body when we do that. In

the meantime, I would like to commend the gentleman and I am going to vote for his bill.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I feel that we should vote to pass this bill. I received calls from motorcycle riders asking me to vote against the helmet law and I said no. One of them asked me, did I wear my seat belt, and I said no. Then he asked if I would vote for a seat belt law, and I said yes I would if I had to, so what is good for the goose is good for the gander. If we are trying to do it to someone else, I think we should do it for ourselves.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It is amazing to me what we always hear about those whose lives have been saved had they been wearing a seat belt. But this past winter in my community a young lady was going to work, a car came through an intersection, plowed into her car, and if she had been strapped in a seat belt, she would have been cut right in half. Nobody is telling you about the people that died in seat belts because they couldn't get away from that car that was coming at them because they were strapped in a position and received severe bodily injuries.

The seat belt is not the lost prayer of safety. Some people, because of physical impairments, cannot wear seat belts in cars. What are you going to do with them? I know of people that have to ride sitting sideways because of spinal injuries they have had—what are you going to do with them?

Recently there was a little girl getting out of a car, her feet got stuck in the seat belt in the back seat, she fell out and hit her head in the street, broke her back and is paralyzed from the waist down. I hope the Highway Safety Committee will start giving you some straight figures. I want to know all of the people involved in accidents on the highway and were injured. I don't want to know just about those that didn't have their seat belts on.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am truly amazed this morning that the debate is this short. I expected every one of those people who were up here debating the helmet bill to be up promoting this legislation.

As I said the other day, there are a lot of hypocrites in the world, and it truly amazes me that we are so concerned about that very small group of people in the state driving motorcycles and we have so little care about the great majority of people who ride around in automobiles that don't choose to wear seat belts.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I thought this body was tired of hearing from do-gooders like myself on the helmet bill, so I thought I would sit back and listen to the others who cared a great deal about the rest of the community of the State of Maine. Of course I support this and I wear my seat belt. Mostly I wear my seat belt since I have been the cosponsor of the helmet bill—and you're right, what is sauce for the goose is sauce for the gander. Yes, I wear my seat belt and, yes, I would like to have everyone be protected by them.

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

Whereupon, Mr. Michael of Auburn 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 Chair recognizes the gentleman from Auburn, Mr. Michael.

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I think it is really proper that this bill is before us today given the discussion we had earlier this week on the other bill, the helmet bill, and I think now is an opportunity for the do-gooders, as the good gentlewoman from Portland, Mrs. Nelson, referred to herself and quite a few of us in the room, to put their voting fingers where their mouths are.

I took a trip to Quebec about a month or two ago and it was very refreshing, actually, to be there and to know that I had to put my seat belt on, that I didn't have to have my male ego threatened by being a whimp and putting my seat belt on, because I was required by law to have it on, and know that that government had such integrity that they would require its citizens to do so even though it was a minority matter.

This bill is not going to pass today and I will tell you why, because it is not a minority piece of legislation. You can't pick on one small group that will call you up and say we are not going to vote for you or we don't like to wear our seat belts, and you have to wear your seat belts. But most of us here don't drive motorcycles, so that bill is probably going to pass.

One of the early speakers said that, I think it was Mr. Baker, 30 percent or so of the people that have been polled that drive cars would be willing to have a mandatory seat belt law. I imagine that is just about the same percentage of people that drive motorcycles that would also be willing to wear helmets.

The gentleman from Limerick said that there are some instances where people are damaged in accidents because they wore their seat belt, and I would say that is probably accurate. We have also heard about some of the accidents that are caused by motorcyclists wearing helmets, because of the angle of the helmet hitting the back of the neck and some other such things as that.

The fact of the matter is, of course, we all know, as the gentleman from Augusta mentioned, the overwhelming information statistically is that seat belts would drastically reduce the injuries that occur in automobile accidents. So I agree that what is sauce for the goose is sauce for the gander. If we are really truthful in this legislature, we will pass this bill today, and I am sure that will have a good effect on that other piece of legislation you are all so interested in.

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

Mr. BAKER: Mr. Speaker, and Members of the House: One parting thought. This bill does not cost anything in terms of money. There is no fiscal note. You don't have to go out and buy a seat belt, it already comes with the car. Unlike the arguments used about making a \$150 purchase for a motorcycle helmet, it is already there. How is it going to be enforced? Probably the same way we enforce the mandatory law that you have to have your driver's license with you all the time. They don't check them unless they pull you over for another violation.

I mentioned earlier, somewhat tongue in cheek, that I never consulted my police chief on this. I didn't, but I did talk to my neighborhood patrolman who the other week hit his head because he wasn't wearing his seatbelt while pursuing a violator. He told me that if he had the opportunity, he would be there testifying in favor of this bill.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: Some time ago in debate on this floor, the gentleman from St. George brought up the subject of bait. Well, I would like to bring it up again. If we are really serious about doing something to reduce the carnage on our highways, now is the time to fish or cut bait.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Manytimes back on the farm we have heard you could take the horse to water but you couldn't make him drink. You can put seat belts in every car, but you can't make people use them. You can't make me use them, for one, because I am at a bad intersection and I have helped take people out of cars that wouldn't be alive on many occasions and one of them sits here in the House this morning. If there had been a seat belt in his car, he wouldn't be here this morning because the steering wheel went through the seat where he was sitting, so I am very reluctant to hook mine. Probably going down the turnpike, in case you went to sleep, it would probably be a good thing, but there are a good many places where they are not. If a man wants to get killed today, he should have the choice of how he wants to get killed—by hanging or hanging by a seat belt.

I am in favor of leaving this alone. Let the people choose the way they want to be hung. If they want to be hung by a seat belt, so be it, but I don't. I have cut them out of my car and I know a lot of other people who have. And as far as cars coming with them, they are coming with them because some states mandate them and some don't, and if you didn't have to have a seat belt, you could save about \$50 or \$60 if you didn't have them.

Anyway, if people want them, so be it; I don't want them and I don't want to have to make other people wear them that don't want them. They are very uncomfortable to sit in—on—they are so uncomfortable that I cut mine out.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker and Members of the House: I just want you people to know that Mr. Dudley did save my life in 1962. I was thrown through the windshield of a Cadillac 62 feet and I have got 160 stitches to prove it—it is down through here and up through the back of the neck. Mr. Dudley drove two fingers in the back of my neck to stop the blood from squirting out and it looked like he could make a few blood sausages after it was all over, but I do want to thank him for that.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Matthews.

Mr. MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House: After listening to a lot of this debate, and I appreciate hearing a lot of comments, I feel that I must make a few statements.

First of all, I can understand the issue of freedom of choice; that is a legitimate issue. But I think that an illegitimate issue is that wearing a seat belt is not going to help you in an accident. I think that is a fallacy and a misrepresentation of the truth.

I would like to share with you one incident which happened just recently, back in February. My folks happened to be coming up to Augusta and my father is a pediatrician, so he is very concerned about small children, he takes care of them on a day-by-day basis. My folks were driving up on the back road to Augusta and a car in front of them was on an icy road, a small Volkswagen went off the road and went down over an embankment. That small Volkswagen rolled over three or four times. My folks pulled off the road, got out of the car, concerned and very scared that those people in that car weren't going to be alive. My father went down over that embankment, got to the car but it was totally smashed and demolished,

the roof caved in. There was a small child sitting in the front seat in a safety seat. There was also a woman at the steering wheel of that car in a seat belt. Both of those people came out unscathed, with head injuries, abrasions and cuts on their foreheads. The baby was not touched at all. Both of those people lived through that accident and I think it is a misrepresentation to say seat belts don't make a difference.

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

Mr. SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: Oh, that I could gaze upon that hallowed wall and see a vision, a vision such as the good gentleman from Enfield sees. If you have ever noticed, when Representative Dudley rises to speak on a subject, forthwith pours an eloquent speech suitable for the occasion, and with this one he has hit it right on the head—I hope you will vote just the way he said to vote.

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

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I was just looking over this bill and I was quite concerned about what is on the second page, at the top it says: "passenger vehicle, every truck, bus and multi-person passenger vehicle manufactured after July 1, 1971. I have a school bus contract and I would just like to have you envision carrying 62 children from 6 to 7 years old, how in the world are you ever going to keep them strapped in a seat belt in a school bus? It would be nice if they would, you wouldn't have to keep your eye on them to keep them from running around, but can you imagine if that bus should ever, God forbid, tip over and you have got 62 kids hanging from seat belts upside down. You are going to have to have someone on that bus besides yourself to see that these kids are all strapped in their seat belts. I just don't think that this is a good bill. Maybe it could be modified at a later date, but as it stands right now, I really can't go along with it.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, as a matter of clarification, I have had a bill in the Transportation Committee that would require seat belts in school buses, or require a study for that. This bill does not require school buses, it requires the driver of the school bus to have a seat belt, but it does not require the children in a school bus to have a seat belt.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Conners, Cote, Crouse, Crowley, Daggett, Day, Dexter, Diamond, Dillenback, Dudley, Erwin, Foster, Greenlaw, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jalbert, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Martin, H.C.; Masterman, Master-ton, Matthews, K.L.; Maybury, McCollister, McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Moholland, Murphy, E.M.; Murray, Nadeau, Norton, Parent, Paul, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Ridley, Roberts, Roderick, Rolde, Rondoni, Salsbury, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stover, Strout, Swazey, Tammara, Telow, Theriault, Vose, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.;

Connolly, Cox, Drinkwater, Gwadosky, Handy, Joyce, Kiesman, LaPlante, Manning, Martin, A.C.; Matthews, Z.E.; McPherson, Melendy, Michael, Mitchell, J.; Nelson, Paradis, E.J.; Paradis, P.E.; Perry, Richard, Seavey, Stevenson, Tuttle, Walker.

ABSENT—Carrier, Cooper, Curtis, Davis, Gauvreau, Jacques, Mahany, Murphy, T.W.; Small, Soule, Thompson, The Speaker.

Yes, 105; No, 33; Absent, 12; Vacant, 1.

The SPEAKER: One hundred and five having voted in the affirmative and thirty-three in the negative, with twelve being absent and one vacant, the motion does prevail.

#### Referred to the Committee on Education

Representative Thompson from the Committee on Education to which was referred by the Legislative Council the Study relative to School Finance have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Reform the School Finance Act" (H. P. 1197) (L. D. 1588) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

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

#### House Reports of Committees Unanimous Leave to Withdraw

Representative Roberts from the Committee on Election Laws on Bill "An Act to Require the City of Caribou to Establish a Voting District in the Unorganized Township of Connor" (H. P. 125) (L. D. 133) reporting "Leave to Withdraw"

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

#### Ought to Pass in New Draft/New Title

Representative Crouse from the Committee on Education on Bill "An Act to Designate the Division of Eye Care as the Local Educational Agency under the Special Education Laws" (H. P. 595) (L. D. 739) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Designate the Division of Eye Care as the Agency for the Provision of Certain Services to Blind Children" (H. P. 1198) (L. D. 1589)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in the day.

#### Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act to Amend the Maine Consumer Credit Code" (H. P. 900) (L. D. 1179) reporting "Ought to Pass" in New Draft (H. P. 1191) (L. D. 1577)

Report was signed by the following members:

Senators:

CLARK of Cumberland  
CHARENTE of Androscoggin  
SEWALL of Lincoln

— of the Senate.

Representatives:

STEVENS of Bangor  
PERKINS of Brooksville  
MURRAY of Bangor  
MacBRIDE of Presque Isle  
BRANNIGAN of Portland  
POULIOT of Lewiston  
CONARY of Oakland  
TELOW of Lewiston

— 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:

RACINE of Biddeford  
MARTIN of Van Buren

— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that the House accept the Majority "Ought to Pass" Report.

The gentleman may proceed.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: This bill deals with a fee on credit cards, bank credit cards such as Visa and Master Charge.

This morning, the vast majority of our committee is recommending a break in tradition. Traditionally, while other states have been saying that credit card companies, banks, can allow a fee on credit cards, fees that sometimes have no limits, fees, I believe in all cases, have at least a \$15 maximum, we have traditionally said no. Other states have been allowing credit card companies to do away with the grace period, in other words, when you charge with your credit card, as you know, you have 25 days and sometimes it makes 60 days before you actually have to begin to worry about any kind of interest charge, while other states have been saying that credit card companies could charge from the beginning, Maine has said no. While other states have allowed that the grace period would have to stay but if you missed it the interest would go back to the first day of charge, Maine has said no. While some states have been allowing all of these things, we have said no.

I have never before wholeheartedly supported any kind of fee on credit cards, but I believe and the majority of the committee believes that the time has come when we must say yes, a very qualified yes, a very minor yes compared to all the other things allowed by other states.

We are saying that they may charge up to, and only up to, \$12 a year as a fee for credit cards. This would give our banks an opportunity in this time of very great changing, highly competitive financial climate an opportunity to compete in the credit card business.

Good things have come from our saying no over these years. One thing, we haven't had to pay any fees; for one thing, we have had this bank money to use free of charge all these years. One thing, it has tightened up on credit cards, tightened up on credit in Maine, and that has been good to a point, but I believe that point has been reached and maybe gone on beyond. I have talked to people now who can't get a credit card in Maine from a Maine bank who I think should be able to have that way of paying which so many of us use commonly. I think it has come to the point in Maine where credit cards have become too tight and I think we need to loosen up just a bit.

Also, I begin to see for the first time in some of the papers ads from other parts of the country in which credit cards are being offered with no credit checks, no local control, and I think it is time because that is signaling, to me anyway, that credit is becoming in this area too tight in Maine. So in order to allow our banks to compete in the credit card business and in order for us to alleviate some of this tightened credit market, I wholeheartedly recommend to you all that we pass this fee of \$12 on credit cards.

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

Mr. POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I won't repeat what Mr. Brannigan has said, I know that you don't want to be bored with this. Another reason that caused me to support this proposal is the economic impact bank cards will have upon the state and the employees. It will affect, apparently, 107 full-time employees working in Maine banks, which will have an impact of \$1.25 million. New York and Pennsylvania failed two years ago to recognize the need for banks to price their savings competitively and the consequence was, banks in those two states moved credit card operations on a wholesale basis to Delaware and South Dakota, where

laws were less restrictive and with less price fixing.

There were three factors which motivated me and our committee to support the annual fee bill. One was equality. Maine banks would be given equality with financial and non-financial institutions. Equity—this bill would permit banks to charge their customers only for services rendered and thereby avoiding the subsidizing of one service at the cost of another.

Third was the economics—credit card programs have become an expensive service for the convenience of Maine consumers. Banks will continue to provide these services if they can price these services fairly. This, in turn, will permit the preservation of jobs which are desperately needed in our state.

Finally I would like to say that our committee recognized that a credit card is a payment device used by consumers for convenience, convenience of travel, entertainment, security and record keeping. We believe that a \$12 fee is a modest sum for this array of service.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, I would like to pose a question through the Chair. Would someone explain the difference between the original bill and the new draft?

The SPEAKER: The gentleman from Madison, Mr. Richard, has posed a question through the Chair to anyone who may care to respond.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I would be glad to answer the gentleman's question. The original draft would have made the fee \$15. We started out where we left off two years ago—\$15—but would have credited against that \$15 interest charges that you had paid the previous year. For quite awhile, many of us were ready to go with that because that was what was worked out before. The problem with it is, it would, first of all, put us totally out of step with everyone else in the country because no one has that kind of a scheme.

Another reason is that it probably would give our banks no relief, because if you are like myself, you probably wouldn't watch your interest charges quite so much until they get up until \$15 knowing you would get credit for it anyway, so it probably wouldn't bring any economic relief to our banks.

The third thing was the computer costs trying to keep track of that, so it just seemed as though that kind of dual, having the \$15 annual fee and having interest charges applied against it was not a good idea, but in order to equalize that, that is why it is \$12 and not \$15 like probably the lowest fees throughout the country.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I rise again this year in opposition to establishing an annual fee on credit cards. I was opposed to this last year and I did not hear any testimony at the public hearing that would make me change my mind.

Last year when the banking industry testified, they indicated that it was a marginal operation. This year—and incidentally, the marginal operation last year was based on an interest rate of a high 21 percent, the prime rate, with a low of about 18 percent. This year the prime rate has gone down—in 1981, I am sorry, it was a high of 20.50 percent, that was the prime rate, and it had a low of 16.84 percent. In 1982, the high was 16.56, with a low of 11.50 percent. In 1983, the prime rate for January was 11.16 percent; February was 10.98 percent, and in March it was 10.50 percent.

You all know that those who have a balance on their credit cards pay 18 percent interest. In addition to this, the merchants that participate pay additional 2 to 4 percent. In my fig-

ures, the banks are getting approximately 20 to 22 percent and they borrow money at 11 and 10 percent right now. I don't know what it is for this month, those are the only figures that are available—now who will suffer if this comes into law? It is the people that can least afford to pay the \$12. These are the people that can't afford it.

You have heard Representative Pouliot mention that the banks were operating their credit cards at a loss, this was an expense. Let me quote you from figures in the Portland Press Herald, dated January 27, 1983: Depositors Corporation announced that their net income for the year 1982 was \$6,750,000, a 12 percent increase over the 1981 \$5,983,000. On the 19th of April, 1983, Northeast Bank Share Association announced their first quarter net income, \$1,253,000—are the banks losing money? Come on. Merrill's earnings went up 20 percent in an article on the 21st of April, 1983; their first quarter earnings were \$2,036,000 compared to \$1,474,000 over the previous quarter in 1982. Casco Northern, on the 15th of April, 1983, first quarter earnings, \$1.3 million; Maine National Bank, 1983, Kennebec Journal, January 28th, \$5,151,000.

Now, let me ask a question—what do you think is going to happen with the additional income that is generated from establishing a charge on credit cards? Do you think that the banks are going to reduce the interest rate? They have been charging 18 percent since the law was changed regardless of the prime rate. Do you think they are going to reduce the interest on consumer loans, commercial loans? I will let you answer that; I don't believe so. I know what is going to happen to those additional funds, they are going to give themselves raises, so who is going to benefit from this? No one—no one.

I would ask for a roll call and I hope that you people will consider this thing very seriously, because you are representing all of the people in your district. These are the people that are being affected by this. When a banking institution comes up with a \$5 million profit, how can you justify an increase in credit cards? I don't think you can justify it.

I would urge you to vote against the motion so that we can kill this bill and bury it at sea.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased this morning that my good friend Representative Racine has found our banks to be in such good condition. It speaks very well for our economy but it is irrelevant to our discussion here today.

All corporations, regardless of their overall profit picture, regard each of their separate operations as profit centers. The handling of credit cards by banks is a profit center. A profit center either makes money or it doesn't. If not, one of two will normally happen—either you correct it or you do away with it.

I know banks are taking a loss on credit cards. I know it personally. For years I have been laughing all the way to the bank, taking advantage of interest free loans that have averaged 45 days. Today I carry very little cash and use credit cards for nearly every purchase. Why pay cash when I can get an interest free loan for 45 days? I will also tell you that I have never paid a bit of interest yet, and I don't intend to.

How much longer will banks continue to lose money on this operation? If I were on the board of directors, it wouldn't be too darn long. If we don't allow a reasonable charge, such as \$1 a month, this entire operation can move out of state, and not only will 107 jobs with a payroll of \$1,250,000 be lost, but also we will have no control over the cost of those cards.

I certainly hope that you will go with the motion before the House.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: My heart just bleeds for the banks in Maine, they are obviously in very serious financial condition. This will bear out that banks from out of state are clamoring to come into Maine and buy up these banks and buy into these banks so they can get a part of that losing action.

What we are proposing to do today is to fix something that isn't broken. I haven't had any letters from the banks wanting me to turn in my bank card. As a matter of fact, when I received my bank card the first time, they sent it to me without me even applying and asking me to use it, telling me all of the good things they were going to do and all the good things I could do if I would just accept their bank card and use it. So I did, and now they have got me hooked, and now they propose to put a fee on me because they have got me hooked with all these good things they are going to do for me.

Allow the argument I heard for putting this fee on the people of Maine is that other states are doing it. Well, I think we have had instruction very recently that we are not governed by what other branches of Maine government do when we pass bills in this body, and I am not sure that the State of Maine should be governed by what other states are doing, if it is not the best thing to do for the people of the State of Maine.

We are not proposing to allow a fee on department store credit cards or gasoline company credit cards. When the bank pays me interest on my savings account, they are paying me about 5½ percent and they are not offering to give me 18 percent while they have got my money.

I would suggest that we think a little bit about what we are proposing here, make up our own minds what is good for the people of the State of Maine, think about whether these banks are hurting as badly as they are saying, recognize the fact that the consumers didn't come in here, that is true. The banking lobby came in to promote this bill—think about that.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I really believe that the banking industry is smart enough to know that if they are not making money with the credit cards, they should get the heck out of that business.

The SPEAKER: The Chair recognizes the gentleman from So. Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will try to be brief. I am a cosponsor of this piece of legislation; it may seem unusual. I did vote against it when we last had it before this body. I was convinced this year that the banks deserve to have this option, and I stress that it is an option. No one said that the banks will charge this fee.

In response to a remark that Mr. Kiesman made, it is my understanding that your department stores can, right now, if they want to, they could charge you for the use of that card. They choose not to, it is competition. Perhaps that would be the same with the banks.

Many people pay a charge right now for American Express and Diner's Club, that is allowed. They also pay a finance charge if they do not pay within a certain amount of time. I hope you keep in mind that if you do pay the amount that you owe within a certain amount of time, then you will not be charged a finance charge also. Banks are asking to be able to charge \$12 for the use of this card which is, in fact, they are loaning you money to go out and purchase items and you have that money free for a certain period of time.

I think this is a reasonable request; it is an option that they may use or may not.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative

Benoit touched on the issue quite lightly and that's the fact that that credit card that you use, when you take that credit card out, you are actually making a loan from that bank and I am sure, ladies and gentlemen, many of you people, if you do borrow any money and go to the bank, you make out a credit card application, there is an origination fee for that loan. This would be somewhat similar; as I understand it, when you make application for that credit card, you are going to be charged a \$12 fee for the use of that card.

There are several people, such as Mr. Perkins alluded to, that do use their credit card and they do have the advantage of using that money for 45 days interest free. If they make that payment before that prescribed date, they have the use of that money for 45 days. Now, if you think it is fair to transfer the cost of processing those credit cards to the people who do not have the ability to pay that loan back in 45 days, then you will vote against the pending motion.

I just feel that in view of what is being asked here it is reasonable, and I would submit to Representative Racine from Biddeford that possibly with the inception of this \$12 fee we might see a reduction in the interest rate from the 18 percent possibly down as much as 3 points. I just think it is fair, it is equitable, and I feel that we should vote for the pending motion.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to keep this going, but you listen to all the debate and you have to say something after a period of time.

In the first place, when people accept credit cards at the retail stores, they have to pay for that. When the people don't pay within a period of time, they have to pay interest. The banks have been good to me over the years and I have enjoyed the use of their credit card without paying anything on them and I pay \$50 for the American Express Card, but this is a profit center, as Mr. Perkins said.

One of the problems we have in this country today is too many people have credit cards. If they are going to have credit cards and they are going to charge \$12 for them, this bank has a commodity that is going to sell. They will put out more credit cards than you ever saw in your life and I don't think they should. I think if they want to be in the business, let them pay for it and they aren't losing any money. Try to buy some stock in a bank today.

I am going to vote not to put the fee on the credit cards.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify a couple of points that have been made. Department stores cannot charge an annual fee because they come under the Consumer Credit Code, so that was not quite accurate.

As far as 'this is only an option'—it was only an option when the interest rate was raised to 18 percent. All of the banking institutions immediately charged the 18 percent. So if you want to sit here and believe that the banks will not charge the \$12, you can believe what you want, but I just don't believe that.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those



opposed will vote no.

#### ROLL CALL

YEA—Anderson, Armstrong, Beaulieu, Bell, Benoit, Bott, Brannigan, Brown, D.N.; Cahill, Callahan, Cashman, Chonko, Conary, Conners, Cote, Cox, Daggett, Day, Dexter, Diamond, Drinkwater, Erwin, Foster, Greenlaw, Gwadnosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kelleher, Kelly, Ketover, Lebowitz, Lewis, Livesay, MacBride, MacEachern, Masterman, Masterton, Maybury, McColister, McPherson, Mitchell, E.H.; Moholland, Murphy, E.M.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Pines, Pouliot, Randall, Ridley, Roberts, Roderick, Rotondi, Salisbury, Sherburne, Small, Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Swazey, Tammara, Telow, Tuttle, Vose, Walker, Webster, Weymouth, Willey, Zirkilston.

NAY—Ainsworth, Allen, Andrews, Baker, Bonney, Bost, Brodeur, Brown, A.K.; Brown, K.L.; Carroll, D.P.; Carroll, G.A.; Carter, Clark, Connolly, Crouse, Crowley, Curtis, Dillenback, Dudley, Handy, Joyce, Kane, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, Macomber, Manning, Martin, A.C.; Matthews, K.L.; Matthews, Z.E.; McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Paul, Perry, Racine, Reeves, J.W.; Reeves, P.; Richard, Rolde, Scarpino, Seavey, Smith, C.B.; Soucy, Strout, Theriault, Wentworth.

ABSENT—Carrier, Cooper, Davis, Gauvreau, Mahany, Martin, H.C.; Murphy, T.W.; Soule, Thompson, The Speaker.

Yes, 86; No, 54; Absent, 10; Vacant, 1.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-four in the negative, with ten being absent and one vacant, the motion does prevail.

Thereupon, the New Draft was read once and assigned for second reading later in the day.

#### Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Relating to Ownership of Land Adjoining Public Ways Under the Law Defining Subdivision" (H. P. 544) (L. D. 696)

Report was signed by the following members:

Senators:

McBREAIRTY of Aroostook  
KANY of Kennebec  
PEARSON of Penobscot

— of the Senate.

Representatives:

MITCHELL of Freeport  
RIDLEY of Shapleigh  
MICHAUD of East Millinocket  
HALL of Sangerville  
MICHAEL of Auburn  
JACQUES of Waterville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1196) (L. D. 1587) on same Bill.

Report was signed by the following members:

Representatives:

KIESMAN of Fryeburg  
BROWN of Livermore Falls  
DEXTER of Kingfield  
McGOWAN of Pittsfield

— of the House.

Reports were read.

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

Mr. HALL: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report and would like to speak to my motion.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: This is one of those bills that has probably been one of the causes why the

Speaker has given my committee a little razing because we haven't got all of our bills out of committee. I have yet to see a bill in our committee that doesn't have a lot of work to be done to them, and this is one of those. The more we tried to do something with it, the worse it became. There are a couple of things I would like to speak to.

There is a problem in this area and I don't see where in the time we have this spring we are going to be able to address it. There are at least nine major differences between the definition of the subdivision in the site law and the subdivision law, and every time we try to get all the different components together, it becomes quite evident that we are worse off than we were when we started.

I promised the good lady, God bless her, Mrs. Stevens, that we will address this in some manner when we have time in the next session.

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

Mr. BROWN: Mr. Speaker, the good gentleman from Sangerville, Mr. Hall, knows that I have a good deal of respect for his viewpoints, God love him, but on this issue we do differ.

He pointed out that there are nine differences between the state subdivision law and the local subdivision law, and he is correct. This bill merely addresses one of those issues, however, a very important one.

The Site Location Law is administered by the DEP. It is complicated, much of it is complex and much of it is confusing, and much of it is inconsistent with local subdivision ordinances and local subdivision law.

The issue before us today involves a very simple issue, really, and that is the definition of a parcel of land or a single tract of land. Let me just very briefly explain the real issue.

If you have 300 acres of land on one side of a road and 8 acres on the other side of the road, there are certain things you can and cannot do. You can take that 300 acre parcel and you can divide it into 7 lots if all of them are over 40 acres and not have to go to the DEP. A 40 acre lot is a pretty big lot and it is not really a lot as defined by law.

However, the real problem comes when you try to sell that one 8 acre piece on the other side of the road. Even though it is in a separate deed, has its own deed, a separate parcel altogether, the state subdivision law considers that to be a contiguous part, and if you sell or try to sell that 8 acre piece, that throws the whole thing into the site location law and the entire development must then go to the DEP for approval, even though those 40 acre parcels have already been sold. This is the thing that we are trying to correct.

It is a problem all over the state. It is a problem because the history of many of our roads is obscure when we are trying to define actual ownership of that roadway and whether or not the law applies in a particular situation. I think if we pass this bill, defeat the motion before us and pass the bill, I think this would clear up a problem that is a problem over the state and at least bring into consistency one issue which is now inconsistent between the state and the local subdivision law.

Finally, for those of you who might be concerned that a person may construct a road for the purposes of avoiding subdivision, look at the bill and you will see that this would not be possible. A person could not construct his own road and thereby avoid the law by so doing. I think it is a good bill, I think it has good intentions; I hope that you defeat the motion before you today so we can go on to accept the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mrs. Stevens.

Mrs. STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: The intent of the bill is not to weaken any control DEP or the municipal subdivision laws have over the environment; that is not the intent of the bill at all. The intent

is to bring them into conformity. They are so conflicting that the landowner, your local planning boards, your developer, your real estate agents in your towns have both sometimes both apply, these standards to try to apply to their land—sometimes both apply, sometimes one, sometimes the other.

It is freely acknowledged by all people in DEP and by municipal officials that they need to be in conformity. I applaud Mr. Hall's and the committee's pledge to make an effort to do this at a later time when there is more time, but I would hope that in this one small section, defining land on either side of a road, would be a step in bringing these conflicting laws into conformity.

I would urge you to vote against Mr. Hall's motion.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker and Members of the House: This bill opens up another loophole on the site location law by allowing a subdivider to consider land on both sides of the road as one parcel. The problem, the definition of road, a public or private way. A driveway is a road, a logging road is a road, a road that was abandoned by the town a hundred years ago is a road. What this does is, it takes a parcel of land that may be of a hundred acres and when you look at all the roads on it, you divide it up and you have 10 or 12 parcels of land, and what it allows is for people to get right around the law, so I hope you will accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mrs. Stevens.

Mrs. STEVENS: Mr. Speaker and Members of the House: Mr. Mitchell is right in defining the definition of road. However, that is exactly verbatim from the municipal Title 30 as it exists now. That is why we paralleled, because it is exactly like the municipal subdivision law now. That has been in effect since 1969. There is much case law to support it. It is not in conflict with what cities have been doing since 1969.

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

Mr. HALL: Mr. Speaker and Members of the House: I would remind you, in this particular bill, really, if you make a table and you have got one leg longer than the other three, you saw that off and you don't measure it right, you have got that down a little too low, then you keep sawing and sawing until you haven't got anything left. That is really what it all boils down to. It is a very difficult thing to fix in this particular bill.

Mr. Speaker, I would request 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 Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: As a cosponsor of this piece of legislation, I feel that it is very important. This bill is important to local planning boards, to local town officials, subdividers, even the state it is important to.

I know there are some concerns, the fact the people feel it might weaken the site selection law, but presently in the subdivision law we have a conflict and that conflict arises between Title 30 and Title 38.

Many municipal planning boards in this state, during subdivision review, operate by Title 30. When a piece of property comes in that is under 20 acres of land being subdivided into 5 parcels or more, that's a reviewing authority. That parcel of land might be divided by

a highway or by a road. Innocently, they approve that subdivision. What occurs is that possibly a year or so later, when the person who owns that piece of property, the previous owner that owned the piece of property that was subdivided and owns that piece of property that is across that road sells that piece of land, when the research is completed, finds out that they are in violation of the site selection law because there is a parcel of property on the other side of the road that wasn't considered in the process.

I just feel that with this proposed amendment to the site selection law it will bring harmony between the DEP and local planning boards, we'll not have that inconsistency in the two titles, and I feel that the time is appropriate. I think that to wait any longer is just going to add more problems.

I would urge the members of this body not to support the motion of the good gentleman from Sangerville, Representative Hall's motion, defeat that motion and pass the Minority "Ought to Pass" Report.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sangerville, Mr. Hall, 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—Ainsworth, Andrews, Baker, Beau-lieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cox, Crouse, Daggett, Erwin, Gwadosky, Hall, Hayden, Hickey, Jacques, Jalb-ert, Joseph, Kane, Kelleher, Kelly, Ketover, LaPlante, Lehoux, Locke, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, Z.E.; McCollister, McHenry, Michael, Mi-chaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Ra-cine, Reeves, J.W.; Richard, Ridley, Rotondi, Smith, C.W.; Soucy, Swazey, Tuttle, Vose.

NAY—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cote, Crowley, Curtis, Day, Dexter, Diamond, Dillen-back, Drinkwater, Dudley, Foster, Greenlaw, Handy, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Joyce, Kiesman, Kilcoyne, Lebowitz, Lewis, Lisnik, Livesay, MacBride, MacEachern, Masterman, Matthews, K.L.; Maybury, McGowan, McPherson, Mc-Sweeney, Melendy, Moholland, Murphy, E.M.; Murray, Norton, Paradis, E.J.; Parent, Perkins, Pines, Randall, Roberts, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Sproul, Stevens, Stevenson, Stover, Strout, Tammara, Telow, Theriault, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Carrier, Cooper, Davis, Gauvreau, Mahany, Murphy, T.W.; Reeves, P.; Rolde, Soule, Thompson. The Speaker.

Yes, 61; No, 78; Absent, 11; Vacant, 1.

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

Thereupon, 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.

#### Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-224) on Bill "An Act to Establish the Position of Director of Technical Analysis within the Public Utilities Commission" (H. P. 963) (L. D. 1244)

Report was signed by the following members:

Senators:  
KANY of Kennebec  
BALDACCI of Penobscot  
EMERSON of Penobscot

Representatives:

VOSE of Eastport  
PARADIS of Old Town  
BOST of Orono  
RIDLEY of Shapleigh  
RODERICK of Oxford  
BAKER of Portland  
WEYMOUTH of West Gardiner  
MATTHEWS of Winslow  
MCGOWAN of Pittsfield

— of the Senate.

— of the House.

Minority Report of the same Committee re-  
porting "Ought to Pass" as amended by Com-  
mittee Amendment "B" (H-225) on same bill.

Report was signed by the following member:  
Representative:

LEWIS of Auburn

— of the House.

Reports were read.

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

Mr. VOSE: Mr. Speaker, I move that the  
House accept the Majority "Ought to Pass" Re-  
port.

The SPEAKER: The gentleman from Eastport,  
Mr. Vose, moves that the Majority "Ought to  
Pass" Report be accepted.

The gentleman may proceed.

Mr. VOSE: Mr. Speaker, Ladies and Gentle-  
men of the House: The title of this L. D. can be a  
little deceiving in that it says we are establish-  
ing a new position, and that is not true. The  
fact is, we are simply changing the title of a po-  
sition that was already established last year.

The purpose of the change is to more ac-  
curately reflect the duties of the position. We also  
changed the qualifications; in other words,  
now you have to have an engineering degree  
and four years of engineering. Also, you can be  
a professional engineer. The reason why we  
kept "professional engineer" in there is that  
you can be a professional engineer with a high  
school education and 12 years' experience in  
the field.

This is a very simple bill. It is a needed job  
over there that they haven't filled yet and they  
want to change the qualifications so they have  
got some very highly qualified personnel that  
ordinarily would have been excluded because  
of the term "professional engineer."

I hope you will support the Majority Report.

The SPEAKER: The Chair recognizes the  
gentleman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gen-  
tlemen of the House: Representative Vose is  
correct in stating that this is the position  
authorized by the 110th Legislature and also  
pointing out to you that the position has never  
been filled. It is because this position has never  
been filled that I really question whether the  
position is really necessary at this time.

As some of you might have read in the news-  
papers, we are hoping that a study will be  
completed of the PUC within the next couple  
of years, and I guess our own Committee on  
Audit and Program Review is going to do that.  
Perhaps we should wait for this study before  
we see whether we need to put new positions  
on the books or fill existing positions that have  
never been filled.

We also all read in the newspapers yesterday  
that there is a hiring freeze in effect for state  
government right at this very moment, so per-  
haps we should all do the Governor a favor by  
not allowing this position to be filled in the  
near future.

I hope that you will defeat this motion so  
that we can then go on to pass Committee  
Amendment "B", which abolishes the position  
entirely.

The SPEAKER: The Chair will order a vote.  
The pending question is on the motion of the  
gentleman from Eastport, Mr. Vose, that the  
Majority "Ought to Pass" Report be accepted.  
All those in favor will vote yes; those opposed  
will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 38  
having voted in the negative, the motion did  
prevail.

Thereupon, the Bill was read once. Commit-  
tee Amendment "A" (H-224) was read by the  
Clerk and adopted and the Bill assigned for sec-  
ond reading later in the day.

#### Consent Calendar

##### First Day

In accordance with House Rule 49, the fol-  
lowing items appeared on the Consent Cal-  
endar for the First Day:

(S. P. 492) (L. D. 1491) Bill "An Act Relating  
to Forged or Illegal Prescriptions"—Committee  
on Judiciary reporting "Ought to Pass".

(S. P. 482) (L. D. 1464) Bill "An Act to Re-  
structure Maine's Insurance Management Pro-  
gram"—Committee on Business Legislation  
reporting "Ought to Pass" as amended by  
Committee Amendment "A" (S-106).

No objections being noted, the above items  
were ordered to appear on the Consent Cal-  
endar later in the day under the listing of Sec-  
ond Day.

#### Consent Calendar

##### Second Day

In accordance with House Rule 49, the fol-  
lowing items appeared on the Consent Cal-  
endar for the Second Day:

(H. P. 1066) (L. D. 1404) Bill "An Act to Ad-  
dress School Failure in Kindergarten and  
Early Elementary Grades" (C. "A" H-221).

(H. P. 389) (L. D. 472) Bill "An Act to License  
Waste Oil Dealers and to Include Waste Oil  
Within Coverage of the Maine Hazardous  
Waste Fund" (C. "A" H-223).

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

#### Passed to Be Engrossed

RESOLVE, Directing the State Planning Of-  
fice to Inventory Virgin Timber Stands on State  
Lands. (H. P. 1193) (L. D. 1579)

Bill "An Act Relating to Victims' Bill of Rights"  
(H. P. 1192) (L. D. 1578)

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

Bill "An Act to Clarify the Administration of  
the Department of Labor" (S. P. 333) (L. D.  
978) (S. "A" S-102 to C. "A" S-101; S. "A" S-108).

Was reported by the Committee on Bills in  
the Second Reading, read the second time, and  
the Senate Paper was passed to be engrossed  
as amended in concurrence.

The SPEAKER: The Chair recognizes the  
gentleman from Mount Desert, Mr. Zirnkilton.

Mr. ZIRNKILTON: Mr. Speaker, is the House  
in possession of Senate Paper 267, L. D. 812,  
Bill "An Act to Provide for the Negotiation of  
Union Security Provisions"?

The SPEAKER: The Chair would answer in  
the affirmative, having been held at the gen-  
tleman's request.

Mr. ZIRNKILTON: Mr. Speaker, having voted  
on the prevailing side, I now move we recon-  
sider our action whereby this Bill was passed  
to be engrossed.

Whereupon, Mrs. Mitchell of Vassalboro re-  
quested 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 Mount De-  
sert, Mr. Zirnkilton, that the House reconsider  
its action whereby L. D. 812 was passed to be



engrossed in 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.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Daggett, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelly, Kiesman, Kilcoyne, Lebowitz, Lewis, Livesay, MacBride, Macomber, Martin, A.C.; Masterman, Master-ton, Matthews, K.L.; Maybury, McPherson, Melendy, Murphy, E.M.; Norton, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirnklilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Ketover, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Reeves, P.; Roberts, Rolde, Rotondi, Stevens, Swazey, Tammaro, Theriault, Tuttle, Vose, The Speaker.

ABSENT—Carrier, Cooper, Davis, Gauvreau, Mahany, Murphy, T.W.; Soule, Thompson.  
Yes, 73; No, 69; Absent, 8; Vacant, 1.

The SPEAKER: Seventy-three have voted in the affirmative and sixty-nine in the negative, with eight being absent and one vacant, the motion does prevail.

The pending question is on passage to be engrossed.

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and later today assigned.

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

Mr. CONNOLLY: Mr. Speaker, is the House in possession of House Paper 877, L. D. 1131, Bill "An Act to Revise the Truancy Laws"?

The SPEAKER: The Chair would answer in the affirmative, having been held at the gentleman's request.

Mr. CONNOLLY: Mr. Speaker, having voted on the prevailing side, I move we reconsider whereby this bill was passed to be engrossed as amended by Committee Amendment "A" (H-213) and further move that it be tabled one legislative day.

Whereupon, on motion of Mr. Connolly of Portland, tabled pending his motion to reconsider passage to be engrossed and tomorrow assigned.

#### (Off Record Remarks)

All matters acted upon requiring State concurrence were ordered sent forthwith.

On motion of Mr. Jalbert of Lewiston,  
Recessed until 4:30 in the afternoon.

#### After Recess

4:30 p.m.

The House was called to order by the Speaker.

#### Orders of the Day

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

An Act to Clarify Certain Provisions of the Marine Resources Laws (Emergency) (H. P. 987) (L. D. 1292) (S. "A" S-79 to C. "A" H-157)

Tabled—May 10, 1983 by Representative Crowley of Stockton Springs.

Pending—Passage to be Enacted.

On motion of Mr. Crowley of Stockton

Spring, retabled pending passage to be enacted and tomorrow assigned.

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

An Act Regulating the Activities of Political Action Committees. (H. P. 306) (L. D. 365) (C. "A" H-174)

Tabled—May 10, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act Concerning Submerged and Intertidal Lands Owned by the State" (H. P. 952) (L. D. 1233)

Tabled—May 10, 1983 by Representative Mitchell of Vassalboro.

Pending—Motion of Representative Livesay of Brunswick to Reconsider whereby the House accepted the Majority "Ought Not to Pass" Report of the Committee on Judiciary.

On motion of Mrs. Mitchell of Vassalboro, retabled pending the motion of Mr. Livesay of Brunswick to reconsider whereby the Majority "Ought Not to Pass" Report was accepted and tomorrow assigned.

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

Bill "An Act to Extend Maine's Returnable Deposit Law" (S. P. 512) (L. D. 1529)

Tabled—May 10, 1983 by Representative Murray of Bangor.

Pending—Motion of Representative Soucy of Kittery to Reconsider whereby the Bill Failed of Passage to be Engrossed.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not reconsider our action whereby this bill failed of passage to be engrossed.

We discussed this at length, and it is too bad it has been so long, I hope we don't have to discuss it all again. I would just remind you that this is a bill that would extend the returnable bottle law, and the reason the majority of us favored that this bill be killed and that you agreed with us the last time was the intrusion of extending this bill.

As the gentleman from Washington has pointed out so well and so often, the people of this state have voted overwhelmingly to support the so-called bottle bill, returnable container law, but they have voted to support the one that we have now. I say and continue to say that it is not the time to tinker with this. Maybe in time we will have to make major changes in containers, but this is not the time, and this certainly is not the bill.

I would ask you not to reconsider but to let this die, and I would ask for a division.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I hope you will vote to reconsider this action this afternoon. I think perhaps because of the numerous amendments that we dealt with last time we discussed this bill and going through each of those amendments and eventually killing each of those amendments, some confusion may be arisen with regards to the original bill.

I think it should be pointed out again what we are dealing with is simply the 12-ounce metal look-alike cans. I think this measure does deserve our support for a number of reasons.

First of all, non-carbonation should not be the sole factor in determining this state's litter and solid waste management policies. There is no good reason why one 12-ounce can that has carbonated beverages should be treated differently than one that does not contain carbon-

ated beverages with regards to our returnable bottle law. These look-alikes still make up a significant amount of our roadside litter and therefore deserve our attention under the returnable bottle law.

By enacting this measure, it would be another step in improving this state's fine environmental record with regards to environmental protection. It is a positive step toward removing this item from our waste cycle, which would relieve pressure from our solid waste landfills and enhance the ability to continue waste to steam generation.

Finally, this bill, as amended, can be carried out with a minimal amount of confusion and effort by our grocers. In fact, there was a gentleman from Bangor who testified at the hearing, who was a grocer, that the original bill would have caused a great deal of problems for him. He pointed out the reasons why and they have been pointed out on the floor of this House. They dealt with distribution problems. But I spoke to that same gentleman about a week ago and discussed with him the amended version that we are talking about, the 12-ounce metal cans only, and after discussing that with him, he concluded with me that that is not that unreasonable a proposal and certainly one that he could live with as a grocer.

I think we should keep that in mind. This is a positive step that deserves our consideration, and I urge you to vote to reconsider this afternoon.

Mrs. Allen of Washington 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 Kittery, Mr. Soucy, that we reconsider our action whereby this bill failed of passage to be engrossed.

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

Mr. HIGGINS: Mr. Speaker, I wish permission to pair my vote with the gentleman from Monmouth, Mr. Davis. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would request permission to pair my vote with the gentleman from Athens, Representative Rotondi. If she were here, she would be voting no; I would be voting yes.

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

Mr. MCCOLLISTER: Mr. Speaker, I request permission to pair my vote with the gentleman from Rumford, Mrs. Erwin. If she were here, she would be voting no; I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Soucy, that the House reconsider its action whereby this Bill failed of passage to be engrossed. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brodeur, Carroll, D.P.; Carroll, G.A.; Cashman, Connolly, Cox, Crouse, Curtis, Daggett, Diamond, Drinkwater, Hall, Handy, Higgins, H.C.; Holloway, Joyce, Kelly, LaPlante, Lehoux, Lewis, Lisnik, Livesay, Locke, Manning, Matthews, K.L.; Matthews, Z.E.; McHenry, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Reeves, P.; Richard, Scarpino, Soucy, Soule, Sproul, Stevens, Stevenson, Tammaro, Theriault, Zirnkl-

ton, The Speaker.

**NAY**—Anderson, Armstrong, Brannigan, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carter, Chonko, Clark, Conary, Connors, Cote, Crowley, Day, Dexter, Dillenback, Dudley, Foster, Greenlaw, Gwadosky, Hayden, Hickey, Ingraham, Jackson, Joseph, Kelleher, Kiesman, Kilcoyne, Lebowitz, MacBride, MacEachern, Macomber, Martin, H.C.; Masterman, Master-ton, Maybury, McGowan, McSweeney, Melendy, Michaud, Moholland, Murphy, E.M.; Norton, Perkins, Pines, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Sherburne, Smith, C.W.; Stover, Strout, Swazey, Telow, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

**ABSENT**—Baker, Brown, A.K.; Carrier, Cooper, Gauvreau, Hobbins, Jacques, Jalbert, Kane, Ketover, Mahany, Martin, A.C.; McPherson, Murphy, T.W.; Paul, Randall, Rolde, Seavey, Small, Thompson.

**PAIRED**—Davis-Higgins, L.M.; Erwin-McCollister, Rotondi-Smith, C.B.

Yes, 58; No, 66; Absent, 20; Paired, 6, Vacant, 1.

The **SPEAKER**: Fifty-eight having voted in the affirmative and sixth-six in the negative, with twenty being absent, six paired and one vacant, the motion does not prevail.

Sent to the Senate.

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

An Act to Amend the Reporting Requirements in Cases of Death due to Abuse or Neglect. (H. P. 715) (L. D. 906) (C. "A" H-173)

Tabled—May 10, 1983 by Representative Soule of Westport.

Pending—Passage to be Enacted.

On motion of Mr. Soule of Westport, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-173) was adopted, and on motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "A" (H-229) was read by the Clerk and adopted.

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

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

Bill "An Act to Improve Access to Small Claims Court" (H. P. 480) (L. D. 577)

—In House, Minority "Ought to Pass" Report of the Committee on Judiciary read and accepted and the Bill passed to be engrossed on May 4, 1983.

—In Senate, Majority "Ought Not to Pass" Report of the Committee on Judiciary read and accepted in non-concurrence.

Tabled—May 10, 1983 by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, the House voted to recede.

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

House Amendment "A" (H-227) was read by the Clerk.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: This amendment adds a sunset provision to the small claims court bill. As you recall from previous debate, it required that the small claims court be open one hour at night per month. There was some discussion in both bodies that it might not be utilized, and we thought if we put a sunset mechanism on it, the Judiciary Committee could review that

and see if this were worthwhile, and if not, the provision of the one hour evening hours would be sunsetted, that is all this does. It is the sunset to the small claims court bill.

Thereupon, House Amendment "A" was adopted.

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

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

**HOUSE DIVIDED REPORT**—Majority (10) "Ought to Pass"—Minority (3) "Ought Not to Pass"—Committee on Energy and Natural Resources on Bill "An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities" (H. P. 1048) (L. D. 1392)

Tabled—May 10, 1983 by Representative Hall of Sangerville.

Pending—Motion of same gentleman to accept Majority "Ought to Pass" Report.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: What this bill is trying to do is help the towns that are trying to get together to have an energy-efficient unit that will recover some of the waste. As you are all well aware, most the garbage disposal dumps are getting pretty near full.

We had a bill in a short while ago allowing some of the towns to continue the burning of their waste, and that cannot be done, we have turned that out unanimous "ought not to pass." But this is one way we can help the towns in order to recover all of the waste in that town. If you don't have this and you start a unit that costs a couple million dollars, you might have somebody else come in and want to get that garbage, so without this bill, you don't allow the towns to have that authority.

Right now, 36 other states have this, and I would hope you would support the "ought to pass."

The **SPEAKER**: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to move that you should not vote to pass this. I was on the opposite side of this in the committee and the main reason that I was is that we didn't have an opportunity to adequately work this bill in committee, there was a big rush to get it out. I am in favor of the concept, but I will tell you, we are getting into the area of anti-trust situations when we give the municipalities that authority to pass ordinances that tells you where you will sent your solid waste, who will pick it up and what price they will pay. You are getting into the realm of anti-trust, and my concern is that it is going to encourage, by us passing this permissive legislation, towns to leap into some resource recovery programs that is going to tie the town up for 25 or 30 years on a contract that will direct where you will dispose of your waste, who will pick it up and how much you will pay for the privilege.

On top of that, if the resource recovery operator is a wise individual, and I presume he will be if he is going to get into a two or three million dollar operation, he is going to have some limits on how much you will deliver, and if you can't deliver that much, it is going to cost the taxpayers.

The City of Bolder, Colorado, got into a real bad situation in this area by signing some contracts that they couldn't live up to. The City of Akron is in trouble at the present time, I believe, I don't think they have gotten it straightened out in the same area. My only concern was that we work the bill sufficiently to put some guidelines on for the towns so that they would be aware of the pitfalls that they were getting into. We didn't do that; that is why I voted it out "ought not to pass."

The **SPEAKER**: The Chair recognizes the

gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, would you please ask the Clerk to read the committee report?

Thereupon, the Report was read by the Clerk.

The **SPEAKER**: The Chair will order a vote. The pending question is on the motion of the gentleman from Sangerville, Mr. Hall, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 44 having voted in the negative, the motion does prevail.

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

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

Bill "An Act to Establish a Commission to Review and Evaluate the University of Maine System" (S. P. 537) (L. D. 1566)

Tabled—May 10, 1983 by Representative Kelleher of Bangor.

Pending—Passage to be Engrossed.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be engrossed and specially assigned for Friday, May 13.

#### Bill Recalled from Governor

(Pursuant to Joint Order—House Paper 1194)

An Act to Amend the Habitual Offender Law. (H. P. 956) (L. D. 1237)

—In House, Passed to be Enacted on April 29. In Senate, Passed to be Enacted on April 29.

On motion of Mr. Soule of Westport, under suspension of the rules, the House reconsidered its action whereby L. D. 1237 was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, the Bill was recommitted to the Committee on Judiciary in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Provide for the Negotiation of Union Security Provisions" (S. P. 267) (L. D. 812) which was tabled and later today assigned pending passage to be engrossed (a roll call requested).

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 passage to be engrossed.

The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, I request permission to pair my vote with Representative Baker of Portland. If he were here, he would be voting yes; I would be voting no.

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

Mr. HICKEY: Mr. Speaker, I request permission to pair my vote with Representative Erwin of Rumford. If she were here, she would be voting yes; I would be voting no.

The **SPEAKER**: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I request permission to pair my vote with the gentleman from Monmouth, Mr. Davis. If he were here, he would be voting no; I would be voting yes.

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

Mr. RACINE: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Athens, Representative Rotondi. If she were here, she would be voting yea; if I were voting, I would be voting nay.

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

Mr. MACOMBER: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here and voting, he would be voting yea; if I were voting, I would be voting no.

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

Mr. RIDLEY: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Portland, Representative Ketover. If she were here, she would be voting yea; if I were voting, I would be voting nay.

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

Mr. KILCOYNE: Mr. Speaker, I wish to pair my vote with the gentleman from Windham, Mr. Cooper. If he were here, he would be voting yea; I would be voting nay.

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

Mrs. NELSON: Mr. Speaker, I wish to pair my vote with the gentleman from South Portland, Representative Thompson. If she were here, she would be voting yea; if I were voting, I would be voting nay.

The SPEAKER: The pending question is on the passage to be engrossed in concurrence. All those in favor will vote yea; those opposed will vote no.

#### ROLL CALL

YE—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Gauvreau, Gwadnosky, Hall, Handy, Hayden, Higgins, H.C.; Jacques, Joseph, Joyce, Kelleher, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Paradis, P.E.; Perry, Pouliot, Reeves, P.; Richard, Roberts, Rolde, Soule, Stevens, Tammaro, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Conary, Connors, Curtis, Daggett, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelly, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, Melendy, Murphy, E.M.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salisbury, Scarpino, Sherburne, Small, Soucy, Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Carrier, Dudley, Hobbins, Kane, Mahany, Martin, A.C.; McPherson, Murphy, T.W.; Norton, Paul, Seavey, Smith, C.W.; Swazey. PAIRED—Baker-Smith, C.B.; Carter-Davis; Cooper-Kilcoyne; Erwin-Hickey; Jalbert-Macomber; Ketover-Ridley; Nelson-Thompson; Racine-Rotondi.

Yes, 61; No, 60; Absent, 13; Paired, 16; Vacant, 1.

The SPEAKER: Sixty-one having voted in the affirmative and sixty having voted in the negative, with thirteen being absent, sixteen paired and one vacant, the motion does prevail.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

The following Communication:  
**The Senate of Maine**  
**Augusta**

May 11, 1983

Honorable Edwin H. Pert  
Clerk of the House  
111th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

In reference to the action of the Senate yesterday in which the Senate Insisted and Joined in a Community of Conference on L. D. 1072, "An Act to Require the Wearing of Protective Headgear by all Motorcycle, Motor Driven Cycle and Moped Riders".

The Chair will appoint as conferees on the part of the Senate:

The Senator from York—

Senator Danton  
Cumberland—

Senator Diamond  
Cumberland—

Senator Gill

Sincerely,

JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Resolution: (S. P. 546)  
Joint Resolution Urging Employment of Maine Workers in Construction and Operation of Bath Iron Works Portland Expansion Project.  
WHEREAS, unemployment is a subject of great interest and concern to the citizens and Legislature of the State of Maine; and

WHEREAS, Bath Iron Works, a subsidiary of Congoleum Corporation and the largest private employer in the State, has entered a tripartite agreement with the City of Portland and the State to Construct and operate a shipyard and dry-dock facilities; and

WHEREAS, this agreement came about by Act of the Legislature and public ratification with the stated purpose of increasing the flow of commerce and providing enlarged opportunities for gainful employment by people of Maine; and

WHEREAS, vast sums have been committed by the city and the State to further this project at Portland, the site selected by the company; and

WHEREAS, the Portland expansion project was undertaken, with encouraging assurances, to serve as a catalyst for the betterment of Maine workers and the improvement of the Maine economy, and these expectations, held so dear, the Legislature cannot now ignore; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature of the State of Maine now assembled in the First Regular Session, take this opportunity to respectfully remind the president and management of Congoleum Corporation and its subsidiary, Bath Iron Works, of the support Maine people have given to this project and of the high hopes Maine workers hold that they will be given job training opportunities and a fair chance for gainful employment before soliciting begins elsewhere and, further, we affirm our desire that Maine workers, who are widely known for their skill, honesty, integrity and hardworking nature and who have shared a history of solid and fruitful success with this shipbuilding company for over half a century, be allowed some consideration and preference in the construction and operation of this expansion project; and be it further

RESOLVED: That suitable copies of this resolution be prepared and transmitted forthwith to the appropriate heads of Congoleum Corporation and its subsidiary, Bath Iron Works.

Came from the Senate read and adopted.

In the House, the Resolution was read.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair? Is this properly before the body in the sense does it need suspension of the rules to be on our calendar? My under-

standing is that Joint Resolutions must come before the Legislative Council to be allowed in or suspend the rules on our calendar. I am not objecting, I am not going to ask for suspension of the rules, I would just like to have it on the record whether or not this is properly before us?

The SPEAKER: First of all, this Resolution does not, in reference to Joint Rules, Joint Rules specify and deal specifically with the question of petitioning the Congress, which requires the approval of the Legislative Council. It does not do that, so it does not conflict with that portion of the rules.

In reference to the second question, the Chair would rule that it does require suspension of the rules.

Thereupon, under suspension of the rules, the Resolution was adopted in concurrence.

#### Ought to Pass as Amended

Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-90) on Bill "An Act to Prohibit Residency Requirements for Municipal Employees" (S. P. 61) (L. D. 167)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-90) as amended by Senate Amendment "A" (S-107) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-90) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-107) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence, and the Bill was assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (S-103) on Bill "An Act to Change the Date of the Primary Election to the First Tuesday in September" (S. P. 103) (L. D. 235)

Report was signed by the following members:

Senators:

USHER of Cumberland  
PEARSON of Penobscot

— of the Senate.

Representatives:

STEVENSON of Unity  
HANDY of Lewiston  
SHERBURNE of Dexter  
ROBERTS of Gorham  
MICHAUD of East Millinocket

— 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:

NADEAU of Lewiston  
PARADIS of Augusta  
MARTIN of Brunswick  
WENTWORTH of Wells  
CAHILL of Woolwich

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-103)

In the House: Reports were read.

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

Mr. NADEAU: Mr. Speaker, I move the Minority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Lewiston, Mr. Nadeau, moves that the Minority "Ought Not to Pass" Report be accepted in non-concurrence.

The Chair recognizes the same gentleman.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: This was a difficult issue for me and for the committee to struggle with. We have struggled with it in the past quite regularly. This year we took a long, hard look at it.

For myself, I came very close to cosponsoring this piece of legislation at the beginning of the session in discussions with the sponsor, but I had some strong reservations about it and just didn't want to commit myself at that time and wanted to look into it a little further, which I did. I spoke to a lot of people and got as much input as I could on the issue in all perspectives and came to the conclusion that it simply isn't right under our system in this state at this time.

I am a member of the Mitchell Task Force on Campaign Reform, which is spending a lot of time looking at the issues like the high cost of campaigning, the length of campaigning and that sort of thing, which is what the September primary issue attempts to address, and the Mitchell Task Force Subcommittee reviewed this issue of a September primary and came to the conclusion that it would not in fact address those concerns and therefore did not recommend to the full task force that we go with the September primary for much of the same reasons that I am opposing it here today.

The issue of length of campaign and costs of campaign are serious and merit full attention and some kind of resolution at some point in the future, no question about it, but the September primary, I don't think, will do that. We have a situation in Maine where we have, obviously, the summer tourist season, and as an individual who has organized a couple of campaigns in the past and worked on a statewide level, I have had an opportunity to experience this first hand, and one of the most frustrating things about organizing political campaigns is the months of July and August. It is simply next to impossible to get people, volunteers, to work or get citizens to focus on the election and it is also difficult to find registered voters among all the tourists, and particularly in certain portions of Maine more than others, of course. For these reasons, I just don't think it addresses the length of campaigns and the costs.

I would suspect that in the case of a September primary, in organizing a campaign, what an organization would have to do would be to organize earlier, hire staff, get office space, put the phones in in May and June, as you would for the June primary, in order to prepare for the September primary, because I am telling you, July and August you are not going to get a great deal done and it really doesn't leave a great deal of time after the summer season ends between then and the primary, just a few weeks.

I don't really think it is going to effectively address the length of the campaign, and as far as the cost is concerned, as I said, you are going to have to hire that staff, you are going to have to rent the offices, put the phones in. As far as the media buys are concerned, that will simply be put off to the fall season, so I don't think it is going to address costs at all.

The other problem, of course, is when you get to the September primary itself and the ensuing general election. We are talking about seven weeks between those two elections. In a state like Maine, which is sizable, to say the least, say you are a candidate for the 2nd Congressional District, after you have won what could be a very embroiled and bitter primary, an expensive primary and a difficult one, you are faced with the task of facing your general election opponent seven weeks later, which is going to be an enormous chore. I suspect, in terms of both organizing and in terms of attempting to get your message across to the voters and, of course, in attempting to raise the necessary funds to conduct an effective campaign. So that is another item that is of great concern to me. You have got some legislative

districts in the State of Maine that are the size of most congressional districts in the rest of the country, and to conduct a door-to-door campaign in some of those districts takes a great deal of time and effort. When we are faced here in Maine with part-time politicians, a citizens legislature, we don't have the time to campaign seven days a week so you are restricted to evenings and weekends.

For all those reasons and many more that I think may be brought out in the debate, I just didn't think it was right for Maine at this time and would encourage you to support the Minority "Ought Not to Pass" Report.

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

Mr. MCGOWAN: Mr. Speaker and Members of the House: I urge the members of the House to vote against the motion of the gentleman from Lewiston. As a cosponsor of this measure, I think that it is important that we realize that we are part-time politicians. My main concern for sponsoring the bill was not because I had a June primary last year and had to campaign for almost 12 months during the election season, but yet the voters of this state, and I think we should take the ball and chain of political elections off the people of the State of Maine and put this primary in September so that we can slow this pace down a little bit, and the television ads, the people tell you and I as we campaign that they are really tired of it.

I would hope that you would vote for the Majority "Ought to Pass" Report after we defeat the gentleman's motion.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: I am a signer of the Majority "Ought to Pass" Report; probably there is one major reason why, because I never heard from my constituents more on any one issue than the length of campaigns.

In the Election Laws Committee this year, we have heard a number of ways or remedies that we can try to shorten the campaign season and take the burden off those individuals who would rather only hear a politician speak limited amounts of times.

We looked at the possibility of eliminating television advertising. Well, we see that there is a constitutional problem with that, and we are looking at campaign costs, and we are beginning to address that issue and also the influence of political action committees.

We are also looking at better informing the public as far as referendum questions go and bond issues and so forth. I think coupled with the various bills that will come before you that we can pass through the 111th Legislature, this bill will tie it all in, shorten the campaign season, and I think the public and we as candidates will be better for it.

I think it will also reduce the amount of money an individual has to put up for a campaign, because you take a September, maybe take six weeks prior to that, tack on the weeks between a September primary and a general election, and I think you will find that name recognition will hold over much better in that short period of time.

Ladies and gentlemen, I would urge you to defeat the motion before you and support the Majority "Ought to Pass" Report for the people of the State of Maine.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I don't think that anyone dislikes the long campaigns more than I or my constituents, but most of the state is lake-ocean oriented and a tourist state, and no one, I am sure, is going to get out a large vote on a Labor Day weekend or a pre-Labor Day weekend.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: As Representative Handy

told you, the Election Laws Committee was really deluged with people concerned about the cost and the length of elections, and I have been continually told by the proponents of this measure that to change the primary from June to September will alleviate this problem, but I don't know how.

As we know, it is usually the congressional or the gubernatorial candidates that are the biggest offenders of the long campaigns, but to put the primary in September wouldn't mean these people would start campaigning any later. We all are realists here and know that gubernatorial campaigns, senatorial and congressional campaigns start a year or even 18 months before the actual election.

All this bill would mean is that we would have twice as many candidates going to the 4th of July parade, because you would also have the primary candidates from both sides, Republicans and Democrats.

Another issue has been money. It is said that this will help control the cost of these campaigns. I maintain it will increase the cost of these campaigns. You will have just seven weeks to get your message across to the voter and you are going to have to rely on a more mechanical means to do that, more TV, more radio, more printing, perhaps, because you can't possibly get to the towns in seven weeks, where, as it is now, you have from June all through the summer. It would be more costly to us and also more costly to the State of Maine. The Deputy Secretary of State, Jim Henderson, said that it is going to cost us approximately \$44,000 more to get these ballots printed and ready for the people.

Lastly, I would like to bring up the point of the two-party system. I think to put the primary in September would be a detriment, a real detriment to the two-party system. Generally after a primary, we use the summer months to mend fences and to re-group a lot of hurt feelings that might have occurred during a primary race, and I, along with the gentleman from Lewiston, Mr. Nadeau, would encourage you to defeat this bill by voting yes on the "ought not to pass" report.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I can visualize what is going to happen with all the people running around, the primary candidates and the other candidates, during the summer months. When I first ran for election, I had to take in the town of Harpswell. I didn't know a soul in the town of Harpswell, and I would spend time talking to somebody, giving them a good speech on what I thought ought to be done and they would say, "well, I am only here during the summer months." Don't forget we have this reapportionment now and you all are going into strange territories, most of you are anyhow, and you are going to run into people you never saw before, and when you start giving them this big speech about how wonderful you are, they are going to say, "Gee, that is great but I am from New Jersey."

So I hope you will vote with Representative Nadeau and defeat this. I think the system we have now is pretty good and let's keep it.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I would just like to clarify what Representative Wentworth pointed out—I ask the question, isn't it true that if we pass this, that we could have a primary almost a week before Labor Day? If September 1st fell on a Tuesday, are you asking us to have a primary in the middle of summer, or the day after Labor Day if it fell on the 2nd—I would like to pose that question. If I am wrong, I would like to be corrected and I would like to say some more about it.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, has posed a question

through the Chair to anyone who may care to respond.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: As is stated in the amendment to the bill, "it shall be held the second Tuesday following the first Monday."

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to further add that in Woolwich that is still in the middle of the summer.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Wentworth says there is no one in this world that dislikes a long campaign more than her, and I suggest that the total public of the State of Maine dislikes long campaigns. I sponsored this bill at least three different times in the past 15 years and if there is anything I ever got a good response from voters back in my district was, you are so right and what is wrong with those people down there in not shortening the campaign?

There were some remarks made about the costs. Well, Mrs. Cahill and I and most everybody else knows that the majority of money in terms of campaigns is spent in the media. The men and women who run for Congress aren't able or they don't want to go door to door or town to town to campaign. They spend their money on the news media, both TV and radio as well as the press.

The public, themselves, are tired of long campaigns. The misnomer about people won't know you, that you will be meeting summer people, well, if you are campaigning door to door, you won't be meeting too many summer people. It doesn't take eight or nine weeks to completely cover your districts, I don't care if you run in Mr. Moholland's district down in Washington County or you are seeing 7500 people, as I am, in a condensed district in the city of Bangor.

I applaud the good gentleman from Pittsfield, Mr. McGowan and his other co-supporters on this bill.

I disagree with Mr. Nadeau. The time is now, not in the future. This bill has been around a long time and if you ask the majority of the people in any one of your individual districts, they will say the campaigns are too long, it isn't necessary.

Strangers do not run for public office. You people are strangers to me when you get here and I may be a stranger to you, but in your own legislative districts, people not from New Jersey get elected but the man or woman who stands for your legislative district.

Mr. Dillenback said that we passed reapportionment and perhaps you have some new voters in your districts—we are all lucky if we have new voters in our district.

I urge you not to support the gentleman's motion but eventually support the bill.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, just to respond to the gentleman from Bangor, Mr. Kelleher. First I want to say that there are very good arguments on both sides of this issue and the proponents of the bill have deep concerns that I share and I agree that the people of Maine share, the campaigns are too costly and too long. My contention is that this is not going to do a thing about that.

The gentleman from Bangor, Mr. Kelleher, is absolutely right that the bulk of the money in campaigns is media, but when structuring a media budget, this isn't going to make a difference because you are going to budget so much money for so much time before the primary and so much money for so much time before

the general election; whether that is June or September isn't going to make a difference. You are basically going to spend the same amount of money on your electronic media.

As far as the time question is concerned, ladies and gentlemen, I contend that this is not going to reduce the length of campaign time. I don't think that is the issue; the length of campaigns really isn't associated to legislative races because they are low key, I guess, as opposed to the major candidates for Governor, the U.S. Senate, Congress, those are the campaigns that people see, they are highly visible and I don't think that is going to change under this provision. You are still going to have the same length of time for a campaign because your organizations are going to start just as early in order to maximize their efforts.

I agree that there is a problem, ladies and gentlemen, but this is not the way to solve it.

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

Mr. MCHENRY: Mr. Speaker, I would like to pose a question through the Chair. Am I correct in assuming that with this bill or without this bill, let's say that we do pass this bill, am I correct in assuming that even with the bill I could go door to door starting in January of that election year?

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

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: The gentleman is correct because there is no way that we can limit free speech. You can start your campaign anytime you want.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Stop and consider the last time you tried to raise campaign funds before the primary when you had opposition—most of them looked you in the eye and said, "come back when you win."

Now we are going to win in September and that leaves us eight weeks to collect money, seven weeks to collect campaign funds. You know, the campaign funds are going to come out of your own pocket, not out of your campaign supporters. There is not going to be time for your larger candidates to do their fund raising after they have won a primary.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I had a primary this last election and when June was finally over, both of us were sick and tired of politics. We wanted to spend some time at camp and relax; I don't want to go campaigning in the summertime and people don't want to see you either.

As far as I am concerned, I agree with Representative Nadeau. I would support his motion.

Mr. Nadeau of Lewiston requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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: The pending question is on the motion of the gentleman from Lewiston, Mr. Nadeau, that the House accept the Minority "Ought Not to Pass" Report in non-concurrence. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Allen, Anderson, Andrews, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Cashman, Conary, Connors,

Cote, Crowley, Day, Diamond, Dillenback, Foster, Gauvreau, Greenlaw, Hayden, Higgins, H.C.; Ingraham, Jackson, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Maybury, McCollister, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murray, Nadeau, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Ridley, Roderick, Rolde, Small, Sproul, Stevens, Stover, Telow, Theriault, Tuttle, Vose, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Armstrong, Bonney, Brown, A.K.; Carroll, D.P.; Chonko, Clark, Connolly, Cox, Crouse, Curtis, Daggett, Dexter, Drinkwater, Dudley, Gwadosky, Hall, Handy, Hickey, Higgins, L.M.; Holloway, Jacques, Joseph, Kelleher, Kelly, Kiesman, Kilcoyne, Livesay, Locke, Masterman, Matthews, Z.E.; McGowan, McHenry, McSweeney, Melendy, Michaud, Moholland, Nelson, Norton, Pines, Richard, Roberts, Salsbury, Scarpino, Sherburne, Smith, C.B.; Soucy, Soule, Stevenson, Strout, Tammaro, Walker.

ABSENT—Baker, Carrier, Cooper, Davis, Erwin, Hobbins, Jalbert, Joyce, Kane, Ketover, Mahany, Martin, A.C.; McPherson, Murphy, T.W.; Paul, Rotondi, Seavey, Smith, C.W.; Swazey, Thompson, The Speaker.

Yes, 77; No, 52; Absent, 21; Vacant, 1.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-two in the negative, with twenty-one being absent and one vacant, the motion does prevail.

Sent up for concurrence.

The following Communication:

State of Maine

One Hundred and Eleventh Legislature  
Committee on Audit and Program Review

May 11, 1983

The Honorable John Martin  
Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Audit and Program Review is pleased to report that it has completed the business placed before it concerning the 47 recommendations made by the Audit Committee of the 110th Legislature. We are also pleased this particular legislation referred to the Committee was reported out and voted on unanimously by both House and Senate.

The Committee is continuing its work and has now begun its review of the Departments of Conservation and Inland Fisheries and Wildlife and independent agencies as charged under the Maine Sunset Act. We are looking forward to a productive and cooperative year ahead as we work with the substantive committees and the legislature as a whole.

Respectfully,

S/G. WILLIAM DIAMOND

Senate Chairman

Was read and ordered placed on file.

#### Reports of Committees

##### Unanimous Ought Not to Pass

Representative Day from the Committee on Taxation on Bill "An Act Relating to the Applicability of State Sales Tax on Interest Paid on Rental Agreements" (H. P. 358) (L. D. 416) reporting "Ought Not to Pass"

Representative Masterman from the Committee on Taxation on Bill "An Act to Provide a Sportsman's Income Tax Checkoff for Voluntary Support of Fish and Game Managements" (H. P. 1040) (L. D. 1365) reporting "Ought Not to Pass"

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

##### Unanimous Leave to Withdraw

Representative Matthews from the Committee on Education on Bill "An Act to Extend the



National School Breakfast Program Availability to Maine School Children" (H. P. 607) (L. D. 755) reporting "Leave to Withdraw"

Representative Cashman from the Committee on Taxation on Bill "An Act to Provide Private Property Tax Relief by Replacing it with Local Income Taxes" (H. P. 641) (L. D. 792) reporting "Leave to Withdraw"

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

#### Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity" (H. P. 609) (L. D. 757)

Report was signed by the following members:

Senators:

CARPENTER of Aroostook  
BUSTIN of Kennebec  
GILL of Cumberland

— of the Senate.

Representatives:

CARROLL of Gray  
PINES of Limestone  
BRODEUR of Auburn  
NELSON of Portland  
RICHARD of Madison  
MELENDY of Rockland  
MAYBURY of Brewer  
MANNING of Portland

— 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:

SEAVEY of Kennebunkport  
WEBSTER of Farmington

— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Portland, Mrs. Nelson, moves that the House accept the Majority "Ought to Pass" Report.

The gentleman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: This bill that you have before you, although divided, the majority of the committee voted in favor of this bill because of the intent to keep families intact.

The estimated impact is tremendous on the savings to the General Assistance Fund. It is a top priority of the Catholic Church, it is a top priority and endorsed by the Maine Council of Churches, it was the first priority of the Blaine House Conference of Families. The intent is to keep families together, and this bill will help do it.

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

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

The SPEAKER: The gentleman from Farmington, Mr. Webster, moves that this bill and all its accompanying papers be indefinitely postponed. The gentleman may proceed.

Mr. WEBSTER: I have been concerned about this measure—basically, simply, if you read the bill, this bill expands the current AFDC program to allow individuals with unemployed spouses to qualify for benefits under the AFDC program. I am not against the AFDC program but the intent of this program initially was to help those people, usually women whose husbands were no longer with them and to help the children to survive and live, perhaps not to the extent that they would like but to give them some money.

I ask this body tonight, what incentive would

an unemployed individual have to go back to work if he can receive and his family can be taken care of by the state under the AFDC program if we enact this law?

I believe the majority of the people in this state, I know for a fact the majority of the people in my district are asking me and asking this legislature to address whatever abuses there might be in laws. If we enact this law today, in my opinion, this legislation will promote abuse, not stop it. So I would ask you to please vote to indefinitely postpone this measure.

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

Mr. BRODEUR: Mr. Speaker, Members of the House: I would like to address this bill from two points of view—first to the point of view of keeping families together. It seems to me that if we have a law that presently states that somebody who is entitled to benefits only if there is a single parent there, that we are encouraging families to split up. If the AFDC program is adopting the employed parents option, the requirements to go to work are much more stringent than they are when there is a single parent there. There are no excuses for somebody not to go back to work if work is available, so it is a requirement that the person, the second parent in the family, go back to work, search for work, get involved in work and training programs or things such as that.

I would also like to address this from the point of view of cost. If you will look at the General Assistance Program that the state presently funds, the estimate for the upcoming biennium is about \$6.5 or \$7.5 million or around that, perhaps the Appropriations Committee could correct me, with estimates that in the future the cost to the state could go up to \$20 million.

The AFDC program is matched on about a 2 to 1 basis by federal funds. We haven't got an estimate of the savings at this point, but there is point in which to implement this bill whether it is at a lower percentage of the present AFDC program where it is a possibility of incurring actual savings to the state and probably even a higher probability that the future of this program could encourage savings to the state. Those figures are not available as of yet, but it seems to me that we ought to look at the principle of keeping families together and then look at the cost later when those figures are much more available. I am sure the Appropriations Committee will take a very close look at that in line with all the other AFDC bills that are presently before the Appropriations Committee.

I hope you will vote against the motion to indefinitely postpone and at least give the principle of keeping families together a chance. I don't believe this will increase the abuse; in fact, I think this will increase the reliability of the information that presently goes to the AFDC system.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am one that is very concerned about the abuse in the AFDC program and I will tell you, this is the first time that I have seen a bill that to me and to my constituents will make sense to keep our families together. Right now, those people that abuse this program presently, today, you know what they do? They will just divorce their wives and they will get their AFDC and those people that want to remain together, you know, they will get nothing. If that is what you want, fine.

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

Mrs. MASTERTON: Mr. Speaker, I would like to pose a question to the Chair.

The SPEAKER: The gentleman may pose her question.

Mrs. MASTERTON: Mr. Speaker, does this bill need a fiscal note?

The SPEAKER: The Chair is unsure of the need, but if it is needed, it can be added at second reading. It would not be required today.

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

#### ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Daggett, Day, Dexter, Dillenback, Drinkwater, Dudley, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Masterton, Moholland, Murphy, E.M.; Norton, Paradis, E.J.; Parent, Perkins, Reeves, J.W.; Ridley, Roderick, Salsbury, Sherburne, Small, Stevenson, Tammaro, Walker, Webster, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kelleher, Kelly, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Perry, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Sproul, Stevens, Stover, Strout, Telow, Theriault, Tuttle, Vose, Wentworth, The Speaker.

ABSENT—Baker, Carrier, Cooper, Davis, Erwin, Hobbins, Jalbert, Kane, Ketover, Livey, Mahany, Martin, A.C.; McPherson, Murphy, T.W.; Paul, Rotondi, Scarpino, Seavey, Smith, C.W.; Swazey, Thompson.

Yes, 45; No, 84; Absent, 21; Vacant, 1.

The SPEAKER: Forty-five having voted in the affirmative and eighty-four in the negative, with twenty-one being absent and one vacant, the motion does not prevail.

Thereupon, on motion of Mrs. Nelson of Portland, the Majority "Ought to Pass" Report was accepted.

The Bill was read once and assigned for second reading tomorrow.

#### Consent Calendar Second Day

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

(S. P. 492) (L. D. 1491) Bill "An Act Relating to Forged or Illegal Prescriptions"

(S. P. 482) (L. D. 1464) Bill "An Act to Restructure Maine's Insurance Management Program" (C. "A" S-106)

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

#### Passed to Be Engrossed

Bill "An Act to Designate the Division of Eye Care as the Agency for the Provision of Certain Services to Blind Children" (H. P. 1198) (L. D. 1589)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper passed to be engrossed and sent



up for concurrence.

Bill "An Act to Amend the Maine Consumer Credit Code" (H. P. 1191) (L. D. 1577)

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

Mr. Racine of Biddeford offered House Amendment "A" (H-230) and moved its adoption.

House Amendment "A" (H-230) was read by the Clerk.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" restores to the original bill an exception to those that would be required to pay the annual service fee. The bill that came before the committee included an exception that the users of credit cards shall receive a credit on the annual charge for the finance charges paid within the preceding 12 month period. Why this was taken off the original bill, I don't know.

When we had our work sessions in committee, I knew which way I was going so I was not too concerned as to what was going on pertaining to amendments that were being prepared. What this does, by removing that exception, it requires those individuals that are paying a service fee to be penalized.

One of the reasons that the credit card system is losing money is that a certain percentage of those that have a credit card pay their bills monthly. As an example, an individual that testified at the hearing from the Bar Harbor Bank indicated that 85 percent of all the credit cards that are issued, 60 percent of that 85 percent pay a monthly finance charge and 40 percent of that 85 percent pay their bills monthly so they are not paying a service charge. One of the reasons why they felt the operation was marginal was because those that were paying a service charge were subsidizing those that carry a credit card in the event of an emergency and/or pay their bills monthly. By removing that exception from the original bill, I feel that we are penalizing those that can least afford to pay the \$12. I hope that you will support House Amendment "A".

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: First I would move the indefinite postponement of House Amendment "A" and ask for a Division.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves indefinite postponement of House Amendment "A". The gentleman may proceed.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I am sorry that Representative Racine was not listening in the committee, which is unusual, Mr. Racine usually participates very vigorously in the committee, and does not realize why this was taken off, also was probably not listening this morning in the House debate when I explained why it was taken off in answer to a question of Mr. Richards. This was taken off because, first of all, it would put us totally out of line with any other state in the union, they do not have this credit arrangement. Secondly, it would defeat the purpose of allowing our banks to have a fee, because many people, myself included, probably would not pay attention to interest charges and allow them to build up because I know I would have to pay a fee anyway, so there would be no gain to the banks. It also was a problem, computer problem, of trying to keep track of these things. Those are the three reasons we took this off.

I ask you to support my motion to indefinitely postpone and get on with allowing us to have a \$12 fee.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I request a roll call. I don't think that we should worry about what other states are doing. I think Maine is a state by it-

self and we should not have to worry about whether or not other states have adopted this. I don't feel that there is a computer problem because you can identify those accounts, everything is done—the computer can be set on any type of frequency to indicate which accounts have paid a service charge, and I don't think this was a problem that came up at the public hearing. The people that testified, the original bill was submitted by the banking industry, and when they testified at the hearing, I don't recall hearing any objections from the group that presented the bill nor those that spoke in favor of it.

I hope that you will vote against the pending motion to indefinitely postpone, and I hope that we will give the people of Maine a break for a change.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: This is just pure discrimination. Here I am, I pay my bills on time, and I am going to have to pay \$12, and yet on the other hand, somebody who doesn't pay their bills on time doesn't have to pay it. That is pure and outright discrimination and I certainly hope we postpone this amendment.

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

Mr. JACKSON: Mr. Speaker, I would like to pose a question through the Chair. I would like to address this question to anybody who might have the ability to answer it. As I understand the tax laws, a fee is not deductible but interest is deductible. I wondered how this would be involved in the process, along with this amendment that has been produced this afternoon?

The SPEAKER: The gentleman from Harrison, Mr. Jackson, has posed a question through the Chair to anyone who may care to respond.

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

Mr. RACINE: Mr. Speaker, I don't have an answer to that question because I am not a tax expert nor an attorney.

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 Portland, Mr. Brannigan, that House Amendment "A" (H-230) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Armstrong, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Conary, Conners, Cote, Cox, Crowley, Daggett, Day, Diamond, Dillenback, Drinkwater, Foster, Gauvreau, Greenlaw, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Joseph, Joyce, Kelleher, Kelly, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Locke, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Matthews, K.L.; Maybury, McCollister, McSweeney, Melendy, Michael, Mitchell, E.H.; Moholland, Murphy, E.M.; Murray, Nadeau, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Pouliot, Randall, Ridley, Roberts, Roderick, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Soule, Sproul, Stevens, Stevenson, Stover, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Weymouth, Zirnkilton.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Brodeur, Brown, K.L.; Carter, Clark, Connolly, Crouse, Curtis, Dexter, Gwadnosky, Handy, Kiesman, LaPlante, Matthews, Z.E.; McGowan,

McHenry, Michaud, Mitchell, J.; Norton, Racine, Reeves, J.W.; Richard, Soucy, Strout, Webster, Wentworth.

ABSENT—Baker, Carrier, Cooper, Davis, Dudley, Erwin, Hobbins, Jalbert, Kane, Ketover, Livesay, Mahany, Martin, A.C.; Martin, H.C.; McPherson, Murphy, T.W.; Nelson, Paul, Reeves, P.; Rotondi; Scarpino, Seavey, Smith, C.W.; Swazey, Thompson, Willey, The Speaker. Yes, 94; No, 29; Absent, 27; Vacant, 1.

The SPEAKER: Ninety-four having voted in the affirmative and twenty-nine in the negative, with twenty-seven being absent and one vacant, the motion does prevail.

Mr. Racine of Biddeford offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-231) was read by the Clerk.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: What House Amendment "B" does, it reduces the interest rate from 18 percent to 16 percent per year. The reason I submitted House Amendment "B" is based on the fact that other states—since we seem to be concerned as to what other states are doing or what other states have done—I would like to read to you very briefly an article which appeared on the 29th of April, 1983, in the Austin American Statesman. It says here: "The Texas Senate unanimously approved legislation Thursday to lower credit card interest rates. If the bill were law now, the maximum rate would be about 16.5 percent compared with the 21 percent charged most credit card accounts." Since we are concerned about other states, if they can do this in Texas, we might as well do it in Maine.

If you recall, this morning there were some statements made that if we did approve the \$12 annual fee, that some of the banks may not impose that charge, so this will give them an opportunity to reduce their costs so that the customers will benefit from the fact that a \$12 service charge has been imposed.

There is no way in the world that this bill will ever be defeated. I guess this bill was thoroughly lobbied and the scare tactics that were used by the lobby to indicate that the Maine banks would pull out and out-of-state banks would come in is very difficult for me to believe, but obviously they were able to convince the majority of this body, so I urge you to support House Amendment "B".

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I move the indefinite postponement of House Amendment "B".

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that House Amendment "B" be indefinitely postponed.

The gentleman may proceed.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: We fought very hard to maintain a year ago and two years ago the 18 usuary cap in our committee. There was a time when the interest rates were pushed up to the point where they would have spilled over that cap that banks and other people were paying in some spheres more than 18 percent. As you know, it was quoted this morning, the prime rate was higher than that, and we fought very hard to keep that, and I would fight just as hard to keep it today from going over or from coming down.

If this were passed, it would for one part of open-end credit reduce that 18 percent cap. For the rest, for all other types of open-end credit, it would allow it to stay.

In Texas, I don't know what their whole consumer credit code situation is and I don't know how they have held to caps; I know how we have done it here and we have done it very, very well. We have provided the balance that was needed every time to protect the consumer and also protect our credit institutions.

I ask you to support me in the indefinite postponement of this amendment.

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

Mr. RACINE: Mr. Speaker, I would request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 Portland, Mr. Brannigan, that House Amendment "B" (H-231) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Armstrong, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Cashman, Chonko, Conary, Cote, Cox, Crowley, Curtis, Daggett, Diamond, Drinkwater, Foster, Gauvreau, Greenlaw, Gwadosky, Hayden, Hickey, Higgins, H.C.; Holloway, Ingraham, Jacques, Joseph, Joyce, Kelly, Kilcoyne, Lebowitz, Lehoux, Lewis, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Matthews, K.L.; Maybury, McCollister, Michael, Mitchell, E.H.; Moholland, Murphy, E.M.; Murray, Nadeau, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Pines, Pouliot, Randall, Reeves, J.W.; Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Soule, Sproul, Stevens, Stevenson, Stover, Tammaro, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Brodeur, Brown, A.K.; Carroll, G.A.; Carter, Clark, Connors, Connolly, Crouse, Dexter, Dillenback, Hall, Handy, Higgins, L.M.; Jackson, Kiesman, LaPlante, Lisnik, Locke, Matthews, Z.E.; McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, J.; Norton, Perry, Racine, Richard, Roderick, Smith, C.B.; Soucy, Strout, Theriault, The Speaker.

ABSENT—Baker, Carrier, Cooper, Davis, Day, Dudley, Erwin, Hobbins, Jalbert, Kane, Kelleher, Ketover, Livesay, Mahany, Martin, A.C.; Martin, H.C.; McPherson, Murphy, T.W.; Nelson, Paul, Reeves, P.; Rotondi, Scarpino, Seavey, Smith, C.W.; Swazey, Thompson, Tuttle, Willey.

Yes, 82; No, 39; Absent, 29; Vacant, 1.

The SPEAKER: Eighty-two having voted in the affirmative and thirty-nine in the negative, with twenty-nine being absent and one vacant, the motion does prevail.

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

#### Amended Bill

Bill "An Act to Establish the Position of Director of Technical Analysis within the Public Utilities Commission" (H. P. 963) (L. D. 1244) (C. "A" H-224)

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

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

Mr. GWADOSKY: Mr. Speaker, is the House in possession of Senate Paper 333, L. D. 978, Bill "An Act to Clarify the Administration of the Department of Labor?"

The SPEAKER: The Chair would answer in the affirmative, having been held at the gentleman's request.

On motion of Mr. Gwadosky of Fairfield, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, the House reconsidered its action whereby Committee Amendment "A" (S-101) as amended by Senate

Amendment "A" (S-102) was adopted.

On motion of the same gentleman, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" (S-102) was adopted, and on motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "A" to Committee Amendment "A" (H-228) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and Senate Amendment "A" in non-concurrence and sent up for concurrence.

Reference was made to (H. P. 836) (L. D. 1072) Bill "An Act to Require the Wearing of Protective Headgear by all Motorcycle, Motor Driven Cycle and Moped Riders"

In reference to the action of the House on Monday, May 9, 1983, whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative McGOWAN of Pittsfield  
Representative MOHOLLAND of Princeton  
Representative CAHILL of Woolwich

#### (Off Record Remarks)

On motion of Mr. CROWLEY of Stockton Springs,

Adjourned until nine o'clock tomorrow morning.