

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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HOUSE

Thursday, May 18, 1983

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

Prayer by Reverend Richard Parker, United Methodist Church of Franklin and Ellsworth.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

May 18, 1983

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

The Senate today voted to Insist and join in a Committee of Conference on "An Act to Regulate Smoking on Public Conveyances in the State of Maine" (H. P. 829) (L. D. 1067).

Sincerely,

S/VALERIE MITCHELL

Assistant Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

May 18, 1983

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

The Senate voted today to Adhere to its former action whereby it accepted the Minority Ought Not To Pass Report on Bill, "An Act to Prohibit Smoking in Indoor Public Waiting Areas." (H. P. 597) (L. D. 741)

Sincerely,

S/VALERIE MITCHELL

Assistant Secretary of the Senate

The Communication was read and ordered placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act Relating to the Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded" (Emergency) (S. P. 279) (L. D. 844)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Reduce the Amount Municipalities Outside the Maine Forestry District must Pay for Controlling and Extinguishing Forest Fires" (S. P. 30) (L. D. 85)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Remove the Statutory Requirement for Payment of Fees by Baxter State Park to the Maine Forest Service for the Forest Fire Protection" (S. P. 27) (L. D. 28)

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

Ought to Pass in New Draft

Report of the Committee on Energy and Natural Resources on Bill "An Act to Create the Nuclear Activity Consent Law" (S. P. 167) (L. D. 522) reporting "Ought to Pass" in New Draft (S. P. 564) (L. D. 1631)

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

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

Under suspension of the rules, the New Draft was given its Second Reading and passed to be engrossed in concurrence.

**Non-Concurrent Matter
Tabled and Assigned**

An Act to Improve Access to Small Claims Court (H. P. 480) (L. D. 577) (H. "A" H-227) which was passed to be enacted in the House on May 17, 1983.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Diamond of Bangor, tabled pending further consideration and tomorrow assigned.

Messages and Documents

The following Communication: (H. P. 1237)
State of Maine
House of Representatives
Augusta 04333

May 18, 1983

John L. Martin
Speaker of the House
111th Legislature
Gerard P. Conley
President of the Senate
111th Legislature

Dear Mr. Speaker and Mr. President:

On May 18, 1983 two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, Bills were referred to the Joint Standing Committees on May 18, 1983 as follows:

Business Legislation

Bill "An Act to Amend the Maine Business Corporation Act to Permit Preferred Stock Redeemable with Property or Securities" (H. P. 1233) (L. D. 1640) (Presented by Representative Racine of Biddeford) (Cosponsors: Senator Charette of Androskoggin and Representative Conary of Oakland) (Submitted by the Department of Business Regulation pursuant to Joint Rule 24)

Local and County Government

Bill "An Act to Amend the Lucerne-in-Maine Village Corporation Charter" (Emergency) (H. P. 1234) (L. D. 1641) (Presented by Representative Swazey of Bucksport) (Cosponsor: Senator Perkins of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Sincerely,

S/EDWIN H. PERT

Clerk of the House

S/VALERIE MITCHELL

Assistant Secretary of the Senate

The Communication was read and ordered placed on file and sent up for concurrence.

House Reports of Committees**Unanimous Ought Not to Pass**

Representative Nadeau from the Committee on Election Laws on Bill "An Act Regarding Contributions to Political Campaigns" (H. P. 1031) (L. D. 1356) reporting "Ought Not to Pass"

Representative Connolly from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Promotion of Tourism in Maine" (H. P. 534) (L. D. 687) reporting "Ought Not to Pass"

Representative Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act to Assist Mediation of Consumer Complaints" (H. P. 872) (L. D. 1126) 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 Andrews from the Committee on Taxation on Bill "An Act to Clarify the Status of Disabled Persons under the Elderly Householders Tax and Rent Refund Act" (H. P. 677) (L. D. 860) reporting "Leave to Withdraw"

Representative Connors from the Committee on Marine Resources on Bill "An Act to Clarify the Authority of the Commissioner of

Marine Resources Regarding Fishways" (H. P. 419) (L. D. 502) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative Andrews from the Committee on Taxation on Bill "An Act to Authorize Tax Liens on Personal Property" (H. P. 279) (L. D. 339) reporting "Ought to Pass" in New Draft (H. P. 1235) (L. D. 1644)

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

**Ought to Pass
Pursuant to Title 38,
section 1253, subsection 3**

Representative Vose from the Committee on Public Utilities on Bill "An Act to Amend the Charters of Various Sewer Districts Organized Under the Private and Special Laws, including Limerick and Jackman" (H. P. 1236) (L. D. 1645) asking leave to report that the same "Ought to Pass" — pursuant to Title 38, section 1253, subsection 3.

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

**Consent Calendar
First Day**

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

(H. P. 701) (L. D. 890) Bill "An Act Relating to Bail Commissioners" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-252)

(H. P. 80) (L. D. 89) Bill "An Act Concerning the Posting of the Text of all Constitutional Resolutions and Statewide Referenda at the Polling Places on Election Day" Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-253)

(H. P. 1172) (L. D. 1560) Bill "An Act Concerning the Catching of Herring for Bait" Committee on Marine Resources reporting "Ought to Pass"

(H. P. 518) (L. D. 643) Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass."

(H. P. 710) (L. D. 901) Bill "An Act to Extend and Amend the Statute entitled Purchase of Foodstuffs from Maine Concerns" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-254)

No objections being noted, under suspension of the rules, the above items were given Consent Calendar, Second Day, notification, and the House Papers passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Orders of the Day

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

An Act to Revise the Composition of the Marine Resources Advisory Council (H. P. 1038) (L. D. 1363) (C. "A" H-162)

Recalled from Governor pursuant to Joint Order H. P. 1224.

—In House, Passed to be Enacted on May 9.

—In Senate, Passed to be Enacted on May 9.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and tomorrow assigned.

The Chair laid before the House the second

item of Unfinished Business:

Bill, "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws" (Emergency) (H. P. 1177) (L. D. 1571)

—In House, Referred to the Committee on Taxation on May 5, 1983.

—In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-113) without reference to a committee in non-concurrence.

Tabled—May 16, 1983 by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mr. Diamond of Bangor, tabled pending further consideration and later today assigned.

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

Senate Report — "Ought to Pass" as amended by Committee Amendment "A" (S-116) — Committee on State Government on Bill "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372)

Tabled—May 16, 1983 by Representative Gwadosky of Fairfield.

Pending—Acceptance of Committee Report.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of Committee Report and later today assigned.

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

An Act to Amend the Statutes Governing the Licensing and Approval of Adult and Child Care Programs (H. P. 791) (L. D. 1032) (C. "A" H-208)

Tabled—May 16, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

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

Bill, "An Act to Revise the Truancy Laws" (H. P. 877) (L. D. 1131) (C. "A" H-213)

Tabled—May 16, 1983 by Representative Locke of Sebec.

Pending—Motion of Representative Connolly of Portland to Reconsider whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-213)

On motion of Mr. Diamond of Bangor, tabled pending the motion of Mr. Connolly of Portland to reconsider whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" and later today assigned.

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

Bill "An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities" (H. P. 1048) (L. D. 1392)

—In House, Passed to be Engrossed.

—In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-120) in non-concurrence.

Tabled—May 17, 1983 by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill has some potential serious consequences and I am not going to ask you not to pass this bill, it probably should be passed, but if this consideration comes up in your municipality, be sure your municipal officers look at this very carefully before they leap into this because it has some very serious anti-trust considerations in it.

Thereupon, the House voted to recede and

concur.

The Chair laid before the House the first 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 13, 1983 by Representative Kelleher of Bangor.

Pending—Passage to be Engrossed.

On motion of Mrs. Mitchell of Vassalboro, tabled Unassigned pending passage to be engrossed.

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

An Act Relating to Authority of the Land Use Regulation Commission over Organized Municipalities (S. P. 302) (L. D. 916) (S. "A" S-110)

Tabled—May 17, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion of Mr. Diamond of Bangor, tabled Unassigned pending passage to be enacted.

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Restrict the Period of Retroactivity of Taxation Legislation to no more than One Year (H. P. 849) (L. D. 1099)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to be very long on this bill this morning but I did want to bring back to the House's attention what this bill does.

I am going to vote against it and I would urge you to do the same. I think I said in the debate the other day that it is unnecessary. We are potentially tying the hands of future legislatures. If they want to be stupid enough to pass a retroactive tax increase, that can be up to them. Some states have done it, it is unfortunate, but there may come a time when, 200 years from now, the State of Maine and this legislature might want to do the same thing; I don't condone it. But more importantly, I am opposed to this bill because I think it gives the implication that this legislature is trying to tell the people of the State of Maine that they did not know what they were voting about when they talked about tax indexing and that somehow we were right in what we did here in January and they were wrong.

Because we passed another Constitutional Amendment a couple of years ago, we have eliminated the possibility of another bill being submitted to us that has the built-in retroactive portion of a tax increase or an indexing issue again. I think the issue has been settled and I think it is an unnecessary resolution that is going to clutter up the Constitution for no reason whatsoever. I would urge you to vote against this.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I did not intend to debate this bill. Because it requires a two-thirds vote, it is very clear where it is going. But some of the comments made by my counterpart in the other corner simply cannot go unchallenged.

This bill does not simply address what happened in the last election, it in no way tells people they didn't know what they were voting for because what they were voting for was perfectly legal under the existing law. It does say that we thought it was bad tax policy and if you put something into the Constitution, of course it ties the hands of future legislatures, that is what the Constitution does on a lot of issues, including civil liberties.

The question is simply one that it is bad tax

policy to reach back in time, beyond a certain reasonable time, and this bill says one year. Beyond that, it is bad tax policy. You don't plan your own businesses that way, you don't go backwards in time, that is all it does.

I won't belabor it but it is really incorrect to tie it simply and exclusively to one ballot question on indexing which happened in this session. This bill would apply not only to initiated items, we want it to apply to legislation initiated within the halls of this chamber or the other chamber.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question then—if this is such a bad tax policy, then why did the gentledady from Vassalboro vote for the bill that in fact created a retroactive tax increase?

Mrs. Mitchell of Vassalboro 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 Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I, myself, would like to know what would happen if somebody had enough interest to go out and petition to increase the minimum wage retroactive two years from today, retroactive two years ahead now, back to 1980, let's say, what would happen? Are we saying that our employers would have to pay back their employees? I am just wondering — could somebody answer me?

The SPEAKER: The pending question before the House is final passage of the Resolution. This being a Constitutional Amendment it requires a two-thirds vote of all the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tamarro, Theriault, Thompson, Tuttle, Vose, Willey, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cooper, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Zirkilton.

ABSENT—Carrier, Higgins, H.C.; Hobbins, Kane, Mahany, Ridley, Rotondi.

Yes, 83; No, 60; Absent, 7; Vacant, 1.

The SPEAKER: Eighty-three having voted in the affirmative and sixty in the negative, with seven being absent and one vacant, the motion

does not prevail.

Sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1984 (S. P. 555) (L. D. 1614)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Concerning Standards for Rejection of Altered Vehicles (H. P. 812) (L. D. 1052) (C. "A" H-235)

An Act to Amend the Election Laws (H. P. 950) (L. D. 1231) (C. "A" H-238)

An Act to Establish and Amend the Air Quality Standards and Establish a Chromium Emission Standard (H. P. 951) (L. D. 1232) (C. "A" H-237)

An Act Relating to the Authority of the County Commissioners over the Operation of all County Offices (H. P. 1101) (L. D. 1452) (C. "A" H-233)

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

Enactor

Tabled and Assigned

An Act Concerning the Admissibility in Criminal Proceedings of Statements by Minors Describing Sexual Contact (H. P. 1201) (L. D. 1595)

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

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

An Act Relating to Registration and Inspection of Motor Trucks used for Fishing (H. P. 1205) (L. D. 1600)

An Act Related to Unauthorized Taking of Agricultural Products (H. P. 1209) (L. D. 1603)

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

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

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

Tabled—May 17, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I move this Bill and all its accompanying papers be indefinitely postponed and I would request a roll call.

The SPEAKER: The gentleman from Biddeford, Mr. Racine, moves that this Bill and all its accompanying papers be indefinitely postponed and further requests that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those 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 rise this morning to speak in opposition of a bill that would impose a \$12 annual fee on credit cards, and the reason that I am opposed to this bill is because it would impose a fee on those individuals that can least afford to pay for the privilege of being able to use a credit card.

When we took the original vote on this, I was very surprised at the outcome. A lot of people that I thought were pro-consumers, were representing the public, the people, and they voted against this bill. I was really surprised at the outcome of the initial roll call. I hope today that those of you that have been heavily lobbied by the pin-striped lobbyists that are in the back of this room and get you to commit yourself to their cause — don't forget, these people are being paid by the banking industry, they are not representing the consumer, they could care less what happens to the consumer as long as they get their lobbying fees. If the banks were that interested in having a profitable operation, instead of hiring lobbyists they could use those funds and apply that to their credit card accounts and I think they would make some money.

The thing you have to remember is a lobbyist is being employed by a particular activity and he is paid to represent their views, and I believe that the lobbying tactics that were used last week as well as this morning were strictly a smoke screen, scare tactics were used to influence those individuals that committed themselves to a lobbying group. I think when you do that, you are not representing the people that elected you to come up here. You were elected by the people and you should represent the people, not special interest groups.

In order to expedite this debate, I will go over some of the items that the proponents have indicated would take place if we do not approve a \$12 service fee. They have mentioned that each activity should be self-sustaining and the credit card account is not. That could be, I can't deny that; however, I would like to pose a question, how about a checking account? Is that self-sustaining? I couldn't find out, but all you need in a checking account is a balance, depending on the bank you are dealing with, of either \$300 or \$500 and you get free checking privileges. That particular activity may not be self-sustaining, it could be a marginal operation, and when you look at the net profits that I mentioned on the floor last week, when a bank makes \$6,700,000, it is very difficult for me to absorb and be able to feel that we do have a problem with the banking industry.

For those of you who were not here in 1975, I understand that this is when the interest rate on the open-end credit was raised from 12 to 18 percent, and at that time the cost of money was 10½ percent and the banks felt that they could make a profit and they did. Now that the funds have been reduced to 10½ percent, roughly, this is what they are paying, the prime rate is roughly 10½ percent, it is pretty hard for me to believe that they are still losing money. They may have lost some money last year when the interest rates rose or the prime rose from 21 to 22 percent.

The other argument is that 40 percent of the people that have credit cards and pay their bills monthly are not contributing to the credit card accounts and only those that have a balance and pay 18 percent are the ones that are contributing to maintain that account.

If you recall, I had two amendments that I presented on the floor last week, one would have reduced the interest rate from 18 to 16 percent and the other amendment would give credit for those that have been paying interest so they would not have to pay the 12 percent. When that thing hit the floor and the lobbyists got hold of that, it is my understanding that they really jumped through their trousers and

they were quite concerned that if this thing passed, this was not what they wanted. Also, one of the arguments is that if we don't approve the \$12, they are going to sell their credit cards and as a result of it, we will have to pay \$40 to \$50 to out-of-state banks who will sell in the State of Maine. Now, this is a bunch of hogwash. They need credit cards because it is part of the total services and if they don't have it, they will lose some customers, I don't believe they will sell their credit cards. As a matter of fact, two years ago when they were trying to get the \$15 annual fee, that was one of the items that was mentioned, that they would have to sell their credit card system; they never did, they still have it.

Another item that was mentioned was that if they sell their credit card system, there would be a loss of jobs for people that are employed. Let me ask you a question—if they are so concerned about jobs, why are they using automated systems where all you do is put a card in and then you can make deposits, you can make withdrawals? Some jobs were lost as a result of being automated, so are they that deeply concerned about that?

There were other people that testified here that said that for the privilege of having a credit card in your back pocket, you should have to pay for that service. For those of you who feel that strong about it, there is nothing that says that you cannot mail a check to the bank of \$15 or \$20 if you feel that you should have the card and you should have to pay. I have not run into one consumer that came up to me and said, "Norm, I would like to pay \$12 for the privilege of having a credit card." As a matter of fact, I have been told that they don't want to pay the \$12, they don't want to pay any fee.

If you remember, briefly last week I mentioned that Texas had reduced their interest rate from 21 percent to 16½ percent and Texas does not have an annual fee on their credit cards. If that can be a profitable operation in Texas, I am sure that it can be one also in Maine.

Let me read you briefly an editorial that appeared in a Boston Herald dated the 3rd of May, 1983. I will just read you the first paragraph. It goes as follows: "If the prime interest rates charged by banks to their positively best customers can drop all the way down to 10½ percent, if the pressure of competition could prod domestic auto manufacturers to offer buyers a low interest rate of 9.8 percent, it would seem reasonable, would it not, for the rate on credit cards to show some modest reduction."

If you will recall, the only individual that will suffer as a result of this is the consumer, and I think the time has come where we should start to think about those that we represent. I would urge you people to vote from your heart rather than vote on a commitment that you made to someone without being given an opportunity to hear both sides of the debate. So I would urge you to vote yes to indefinitely postpone this bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I can assure the good gentleman from York County that this legislator is going to be voting on the arguments, not on the arguments that he presented this morning but on the arguments that I heard last week.

I don't know about the rest of you in this body, but the good gentleman did a little more than just irritate me with his cheap remarks about how the lobby intimidated any one of us. Your arguments didn't hold water last week and they don't hold water this morning. That is why I am not voting for your position, not because of any lobbyist outside the hall of this House or inside — is that clear enough? I don't know how the other members feel about the

way you want to address your comments and how very quickly you try to dismiss each of us as individuals, but this legislator from the city of Bangor does not like that type of an address on the floor of this House. Your arguments weren't good last week based on what you had to present us and they haven't improved any today.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I hope you will continue to vote as we did last week in supporting myself and the other ten members of the Committee on Business Legislation who have decided that we can no longer say no, that we have to say yes in this modest fashion of allowing a \$12 fee, and I would encourage you to vote against the indefinite postponement motion.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentleman of the House: I will vote for indefinite postponement. My idea is that people shouldn't spend money that they don't have and these credit cards are all over the place. Fine, we are going to charge them \$12—why not charge them \$100? Let's be honest about it. The same people that are using it for nothing, the \$12 is just enough to have those people pay that \$12 because they are in a high enough position that they can't afford not to pay it and they can't afford to take it, they can't afford to leave it. Make it \$100 and I will vote for it, but that \$12 is just enough to have those people take and buy. My constituency, no way are they asking me to charge \$12. I didn't ask them, of course, but it is just common sense, use your own common sense. You know darn well that your constituents would never, never allow you to vote for this.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: If I implied that every individual that voted for this bill was a result of lobbying, I apologize, because this is not what I intended and I apologize to the gentleman from Bangor and I am sorry that I ruffled his feathers but it was unintentional.

When I mentioned that this was heavily lobbied, I was making reference to some individuals that sometimes can be influenced by lobbying activities and I certainly don't want to imply that this is applicable to all legislators. So I apologize, sir, for ruffling your feathers and thank you.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Soucy.

Mr. SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I, like many of you, carry a few credit cards, and I would just like to remind you, if I can recall, I think two or three of those were sent to me, I didn't ask for them, they sent them to me. Also, I would remind you that a couple of weeks ago we had another matter before us and it dealt with credit cards and I saw a number of people stand up and talk about "that's a banker's bill" — what do you think this bill is? I will vote for indefinite postponement.

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

Mr. BAKER: Mr. Speaker, Members of the House: I am afraid I am at a loss to understand what the gentleman from Biddeford, Mr. Racine, is talking about in terms of lobbying. I haven't been approached by any bankers' lobbyists all session.

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

Mr. MATTHEWS: Mr. Speaker, Members of the House: I went to some of the constituents that I represent about this bill and asked many of them who had credit cards if they would like to pay a \$12 service charge for those cards and the overwhelming answer was no. I am going to vote with my constituents today and vote for

indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Biddeford, Mr. Racine, that this bill and all its accompanying papers be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brodeur, Brown, A.K.; Brown, K.L.; Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Crouse, Crowley, Curtis, Davis, Dexter, Diamond, Dillenback, Gwadnosky, Handy, Hayden, Jalbert, Joyce, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Paul, Perry, Racine, Reeves, J.W.; Reeves, P.; Richard, Rolde, Scarpino, Smith, C.B.; Smith, C.W.; Soucy, Stevenson, Strout, Theriault, Thompson, Tuttle.

NAY—Anderson, Armstrong, Bell, Benoit, Bonney, Bott, Brannigan, Brown, D.N.; Cahill, Callahan, Cashman, Conary, Conners, Cooper, Cote, Cox, Daggett, Day, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Hall, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Joseph, Kelleher, Kelly, Ketover, Lebowitz, Lewis, Livesay, MacBride, MacEachern, Masterman, Masterton, Maybury, McCollister, McPherson, Michael, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Pines, Pouliot, Randall, Roberts, Roderick, Salsbury, Seavey, Sherburne, Small, Soule, Sproul, Stevens, Stover, Swazey, Tammara, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Carrier, Dudley, Kane, Mahany, Matthews, K.L.; Ridley, Rotondi, The Speaker. Yes, 61; No, 81; Absent, 8; Vacant, 1.

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

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Mrs. MARTIN: Mr. Speaker, is the House in possession of Bill "An Act to Discourage Violation of Wildlife Laws" (S. P. 143) (L. D. 435)?

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

Mrs. MARTIN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby this bill was indefinitely postponed.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would like a division on this. This bill is before us again sooner than I thought. First, I want to apologize for a statement I made yesterday in regard to the extra toll-free number. It was in the original bill but was taken out later and they would be using the Augusta number. I am on two committees and I was at another work session when this was discussed.

The principle remains the same — ratting on your neighbor. Yes, it might be your wife ratting on you as an example given in the same handout, which I am sure you all read. Your wife turning you in, sounds good. Let's say that a man is married and has five children, earning \$200 a week as a laborer. He shoots a moose, his wife turns him in for the \$200. She probably needs a new coat, so he is convicted and fined \$1,000. He has no money to pay the fine so he goes to jail for 60 days. The wife has no income. She applies for AFDC, she can get \$574 with

five children, and while her husband is sitting it out in jail, he decides that he likes getting away from it all and after he is released, he gets a divorce. His wife continues to draw AFDC at \$574 per month; her husband has no job so he applies for food stamps and anything else he can get. Now, just how much is this going to cost the State of Maine? There probably should be a fiscal note on this bill.

I think you know how I feel about this bill and I hope you will stay with your position to kill the bill, and those who didn't vote to kill it yesterday are lucky, you will have a chance to do it today.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate this bill because I have got a feeling I know where it is going to go; however, I wish the gentleman would have been a little kinder to the rat. Sitting back here in this particular nest, we had kind of hoped that he would use the word tattle-tale as opposed to rats.

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

Mr. SOULE: I would pose a question to any member of the committee — is there a daily bag limit on stool pigeons?

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 435, which received a Majority "Ought to Pass" Report, deserves your consideration and support. This bill sets up a program that is already in effect in 14 states across the country. In those 14 states, conviction rates for arrests made through the program range from 93 to 98 percent. States like Wyoming, Colorado, California, Missouri and Florida have already tried the program and they know it works.

Right now the Fisheries and Wildlife Committee is trying in every way possible to maintain a healthy deer herd which, in turn, promotes an important part of our tourist industry. We have cut down on hunting opportunity by allowing the Commissioner to put a "bucks only" law on the books. We have overseen the coyote control program to cut down on predation, but we also have to cut down on poaching and this bill will do that. Other states have proven that it works.

Right now our warden service is 13 wardens short, it has been that way for over a year. This bill will give our wardens the help they need to stop poaching at practically no cost to the state.

Last Fall, poachers gill netted Atlantic Salmon from the Dennis River and left the heads on the nearest warden's lawn. They shot, according to some estimates, over 20,000 deer. Law breakers even shot at least one bald eagle. L. D. 435 could help prevent these violations by encouraging citizens to report crimes without fear of reprisal.

I ask you to reconsider your vote, give the program a chance to work in Maine, as it has in other states, and I ask that you recede and concur with the other body.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: There is nothing that says you can't turn someone in right now, so I don't see why we need this bill. As I said yesterday, we refused to put a bounty on the coyote and this bill puts a bounty on a man, there is no question about it.

Last night around dark, I was just getting out of my car and a retired game warden came along, stopped and started talking with me and he said, I hope that this House will not pass such a piece of legislation as this. This is a man that has served plenty of time on the force, so I hope you will vote against reconsideration.

Mrs. Allen of Washington 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 before the House is on the motion of the gentlewoman from Van Buren, Mrs. Martin, that the House reconsider its action whereby this body voted to indefinitely postpone this bill. Those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Bell, Bonney, Brannigan, Brown, A.K.; Clark, Conners, Cox, Crouse, Curtis, Diamond, Dillenback, Erwin, Gauvreau, Gwadosky, Hall, Higgins, H.C.; Higgins, L.M.; Ingraham, Jacques, LaPlante, Lehoux, Locke, MacEachern, Masterman, Maybury, McGowan, McHenry, Michael, Mitchell, J.; Moholland, Murphy, T.W.; Nelson, Racine, Richard, Roderick, Scarpino, Soucy, Soule, Sproul, Telow, Thompson, Vose, Walker, Weymouth, Zirnkilton.

NAY—Anderson, Armstrong, Baker, Beau-lieu, Benoit, Bost, Bott, Brodeur, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Conary, Connolly, Cooper, Cote, Crowley, Daggett, Davis, Day, Dexter, Drinkwater, Dudley, Foster, Greenlaw, Handy, Hayden, Hickey, Holloway, Jackson, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lebowitz, Lewis, Lisnik, Livesay, MacBride, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; McCollister, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Murphy, E.M.; Murray, Nadeau, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Randall, Reeves, J.W.; Roberts, Rolde, Salisbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Theriault, Tuttle, Webster, Wentworth, Willey, The Speaker.

ABSENT—Carrier, Hobbins, Kane, Macomber, Mahany, Pouliot, Reeves, P.; Ridley, Rondi.

Yes, 48; No, 93, Absent, 9; Vacant, 1.

The SPEAKER: Forty-eight having voted in the affirmative and ninety-three in the negative, with nine being absent and one vacant, the motion does not prevail.

The Chair laid before the House the following matter:

An Act to Amend the Statutes Governing the Licensing and Approval of Adult and Child Care Programs (H. P. 791) (L. D. 1032) (C "A" H-208) which was tabled earlier and later today assigned pending passage to be enacted.

On motion of Mrs. Nelson of Portland, under suspension of the rules, the House reconsidered its action whereby this bill was passed to be engrossed.

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

House Amendment "A" (H-255) was read by the Clerk and adopted.

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

(Off Record Remarks)

On motion of Mrs. MacBride of Presque Isle, Adjourned until twelve o'clock noon tomorrow.