

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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**HOUSE**

Wednesday, February 1, 1984

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

Prayer by Reverend David Glusker, Green Street Methodist Church, Augusta.

The Journal of Tuesday, January 31, 1984, was read and approved.

**Papers from the Senate  
Non-Concurrent Matter**

Bill "An Act to Amend Calculation of Period of Imprisonment" (Emergency) (H. P. 1539) (L. D. 2024) which was read twice under suspension of the rules and passed to be engrossed without reference to a committee in the House on January 31, 1984.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

The House voted to recede and concur.

**Communications**

The following Communication: (S. P. 734)

111th Maine Legislature

January 27, 1984

The Honorable Richard L. Trafton

The Honorable Barry J. Hobbins

Chairmen, Judiciary Committee

111th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Ronald A. Daigle of Fort Kent for appointment as a District Court Judge.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,  
S/GERARD P. CONLEY  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

**State Government**

Bill "An Act to Establish a Maine Historic Register" (H. P. 1543) (Presented by Representative Baker of Portland) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Ordered Printed

Sent up for concurrence.

**Study Report  
Committee on Public Utilities**

Representative Vose from the Committee on Public Utilities to which was referred by the Legislative Council the Study Relative to Telecommunications in Maine have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish a Telecommunications Policy for the State of Maine" (H. P. 1540) (L. D. 2025) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

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

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

Representative McGowan from the Committee on Public Utilities on Bill "An Act Allowing Revenues from Interruptible Gas Sales to be Credited to the Cost of Gas" (H. P. 1453) (L. D.

(L. D. 1905) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 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. 1384) (L. D. 1809) Bill "An Act to Amend the Law Prohibiting the Expenditure of Funds Raised for Food Stamps in Androscoggin County" (Emergency) Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-458)

(S. P. 670) (L. D. 1854) Bill "An Act to Allow Plantations to Determine When to Hold Their Annual Meetings" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-280)

(H. P. 1454) (L. D. 1906) Bill "An Act to Provide for the Transfer of Radio Common Carrier Franchises" Committee On Public Utilities reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 2, 1984 under the listing of Second Day.

**Consent Calendar  
Second Day**

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

(H. P. 1451) (L. D. 1903) Bill "An Act to Clarify the Suspension Powers of the Public Utilities Commission Over Affiliated Interest Contracts"

(H. P. 1445) (L. D. 1897) Bill "An Act to Clarify Executive and Judicial Authority Regarding the Dissolution of Delinquent Insurers" (C. "A" H-457)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

**Passed to Be Engrossed  
As Amended**

Bill "An Act Revising the Maine Bank Holding Company Act" (Emergency) (H. P. 1500) (L. D. 1974)

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

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

Mr. BRODEUR: Mr. Speaker and Members of the House: When this bill appeared before the Committee on Business Legislation last week, I testified neither in favor nor against the bill and I stated four concerns that I had. The first concern was whether capital would go out of state. The second concern was if an out-of-state bank that owned a Maine bank would go bankrupt, then what would happen? I have been satisfied that under the Maine Banking Law at least, capital will not leave the state nor will deposits of Maine people. However, profits from that capital and deposits could leave the state regardless of whether an out-of-state bank goes bankrupt or not.

My third concern was the issue of local ownership, control and concern for local interests, but I am not quite sure if this bill makes that a fact based on equity or just compounds the problem; I am not really sure about that.

The fourth concern I had was, what kind of people are we doing business with, and what would we be supporting, opposing or tolerating if this bill and the present law should become law?

I have prepared two amendments to partly

deal with this last concern of mine. At this time, I would like to present House Amendment "A" (H-459) and would like to speak to it.

Thereupon, House Amendment "A" (H-459) was read by the Clerk.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: House Amendment "A", and I will read the paragraph, says "this is a condition under which a bank can be owned," and there are conditions already. This would add another condition. "Neither the non-Maine financial institution holding company nor any institution held by that company provides financial services to persons or nations which are engaged in violations of human rights, except the provision of money or services to enhance human rights."

I think most of you when you hear about somebody being denied a human right, such as being killed, murdered, being killed by a drunk driver, it angers us, it saddens us. I think when we hear about people being killed throughout the world, innocent people, it angers me, it angers us, and it saddens us.

We know that during the 1930's and 1940's in Germany, we know now, there were millions of people killed in the holocaust, they were burned to death, they were shot to death, they were later found in unmarked graves by the millions. In this particular case it was the Jewish people that were the victims of this mass violation of human rights.

We have a situation in South America, and I will bring the example of Argentina because Argentina has now gone beyond that place where it now has a democratically elected government, that supports the constitution, that wants to bring to trial those people, even those who are the highest leaders of the dictatorship, who violated the human rights or conditions of their country. For seven years, that dictatorship was there. Thousands of people were murdered. They are now digging up the graves, the unmarked graves, and trying to identify who the people are that have died so that relatives will know whether they are alive or missing or dead. In some cases it is difficult because they have cut off the hands so you can't even get fingerprints.

There are things that are more important than some of the issues that we deal with, and I think the issue of human rights and the mass violation of human rights is one that we have to look at. We cannot become good Germans and not say anything. We cannot be silent when such violations, murders and tortures happen whether it is in this country or others.

In Argentina they have a debt of \$50 million, and I am wondering where the past dictatorship got the money to continue this government and continue its mass murder.

We have situations throughout the world, the Soviet Union, Iran, Poland, Guatemala, and many other nations that blatantly violate human rights.

There are some standards which can be used. We have our own Bill of Rights, we have the United Nations Charter which includes some of the conditions which exist in our Bill of Rights, the principles of free speech, of free press, of the right to life, liberty and security of persons, that no one shall be subject to cruel and inhuman punishment, that no one shall be tried without due process, that no one shall be subject to arbitrary arrest, detention or exile, and that no one shall be denied the right to immigrate.

It seems to me that regardless of how one feels on this issue about interstate banking, that if there is something we can do to support human rights in this country, then we ought to do it even if it is not tolerating the financing by major banking institutions of those violations. It is a small step, but it is far more important than whether this interstate banking bill passes or not.

I would hope that we don't have to wait for another thousand or ten thousand people like those that have been killed in Argentina. I hope that we don't have to wait for the four or five or six million people or more that have been killed in nations like Cambodia and Germany. And I hope that this is a standard by which we will give fair consideration and support for those people that are under oppression and brutal terrorism and murder.

If there are any problems with this particular amendment either in its implementation or lack of specificity, I will be glad to work on it with anyone who wants to do that. But it seems to me the principles are there, the Superintendent of Banking has the ability to make those judgments and make those standards, there are some standards just as the Bill of Rights, the United Nations Charter, standards that Amnesty International has, that can be used in whole or in part to judge whether this is happening.

I don't see too many things that are more important than that, and I would hope that you would support this amendment.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: First, I move the indefinite postponement of this amendment, and I do that with some reluctance.

What I would like to say I will say about House Amendment "A" that has just been introduced by Representative Brodeur, and also House Amendment "B" which he will, I assume, introduce after this, because the remarks I have will be quite similar. The House amendment that is before us deals with the issue of human rights in other countries, and the other will deal with a similar issue.

I feel reluctant because Representative Brodeur is always here to remind us of higher motives and deeper needs, and I in no way want to stand up and speak against those. I am in favor of everything that he has proposed in these amendments. I am not in favor, however, of them being tacked onto the interstate banking bill here in the State of Maine. I do not want the superintendent of banking to have to try to decide something that, as someone said this morning, we can't get the President of the United States or the Congress to be able to decide policy on what is and what is not violation of human rights or development of nuclear weapons. I want him to be involved with looking at the safety and the soundness of every institution he looks at, to look at those areas in which he has expertise and competence.

It really is more a federal matter, although we could at the state level, and we do it sometimes, at least memorialize Congress, we try to speak out in some way, but it is, I think we have to admit, more of a federal level where these issues are dealt with, and if it is to be done on the state level, then I don't believe that this is the place or this is the time this morning to do it, because if we are going to seek out these areas of danger or injustice, then we should do it on a much broader scale. If the superintendent of banking is to look at every out-of-state bank that wishes to come into Maine and use these criteria, then we would certainly have to be consistent. If we were to be consistent, then we would have to ask the superintendent of insurance to look through the entire portfolios of all insurance companies that ask to be registered and licensed in the State of Maine, and that is hundreds. The superintendent of insurance neither has the expertise nor the time to do that.

If we are going to be consistent, we would have to ask our Governor anytime that he goes out seeking companies to come into our state to seek only those that have in their portfolios no investments which do the things that these amendments relate to.

We would have to ask our Department of Economic Development to do the same.

So I would say that if we are interested in doing something on a state level, then it would be done by another vehicle, it would be done by another committee, to do it statewide in a consistent manner. Therefore, I would ask you to support me in my motion of indefinite postponement of Committee Amendment "A".

Representative Brodeur of Auburn requested a roll call on the motion to indefinitely postpone House Amendment "A".

More than one-fifth of the members present, expressed a desire for a roll call which was ordered:

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

Mr. BRODEUR: Mr. Speaker and Members of the House: I saw by the last vote that many of you have supported the arguments of Representative Brannigan. It seems to me that if we are going to say that we are a country that is free, that is advocating for human rights throughout the world, then I don't find any excuses for not saying it every time that we have a chance and by every way that we can say it. If we haven't said it perfectly throughout the state or throughout the world in every instance, I think that shows to humanity that we're not perfect, but it doesn't deny the fact that it should be said and it should be said more times and much more often.

The bill we have before us today is dealing with banking, it is not dealing with other issues such as insurance or whatever, economic development, and when we look at some of the institutions such as Amnesty International who have looked at violations of human rights, with one exception all of the violators' subjects have been countries, and the corporation that was cited has since corrected these violations.

I know for a fact that in this modern age of banking you can sort out an individual's portfolio or the banking institution's ability to identify the kinds of investments they are making. I know for a fact that certain institutions like the churches have asked that their portfolio contain non-controversial investments, and they have been able to avoid nuclear weapons, countries which violate human rights and such, and the ability to do that is there.

If we look at what is more important in our lives, it is the security that we enjoy in life, in the security we enjoy in a world of peace, at least for our country at this time in this nation, and many of the Nobel Peace Prize winners have not been those people who advocate for peace between countries but those who have enhanced human rights in their own country and have bettered the world through that by limiting the causes of war, such as economy or human suffering.

Also, we have seen the leaders of the international churches say things like, if you want peace, work for justice. It seems like this is what is here today. I said before that if there are some problems with that, if we want to be more specific in outlining what is human rights and what is not, and if we want to look at the specifics of how this is going to be implemented, I would be glad to do that and sit down and work on that. But it seems to me that when we have the issue before us, that the precedence of issues is that human rights are far more important than interstate banking and that that standard ought to be applied across the board to everything.

The other thing that I would like to mention is that banks are the largest corporation, the largest institutions in the world in terms of economic institutions, by far bigger than oil companies, their influence on Congress is the strongest. Not only is their influence great, but they can be influential in Congress without people knowing, such as when the oil lobby lobbies.

I think it is important that we be for human rights, and I don't see any excuses for not taking the stand any and everytime we are pre-

sented with the opportunity. Regardless of the other issues, human rights is fundamental to the way we live as Americans. It should be something that we promote throughout the world through our actions and through whether we tolerate it or not, and I don't think that we should in any way tolerate any mass violations of human rights, especially when it becomes very obvious, where tens of thousands of people are killed, and I don't think we should ignore this issue.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Representative Michael.

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the gentleman from Auburn, Mr. Brodeur. Clearly, in the concept of his amendment, and as I look at the amendment I am not certain that there would be a guarantee that it would do what we want it to do, but I am sure if we voted for this, we could fine tune the amendment and the bill at some soon point so that we could accomplish what we want to accomplish.

I think it is our responsibility here to take a solid look at where the investments to the large institutions who wind up in Maine do go. He spoke of many atrocities, and what I want to point out is that we are all responsible for those kinds of things if we in a sleep-like stupor allow the large companies, or whoever, to invest in those countries that have a policy of human rights that is inconsistent with those that the United States stand for. So this may be the most patriotic vote that you will have to take all session. This actually caught me by surprise today or I would have discussed it with some people earlier. In fact, I would have discussed it with the gentleman from Auburn, but it is here before us now, and although it may have caught some of us off guard, nonetheless, it is an important issue and we should vote to keep this amendment alive so that we can do our duty to our country.

The SPEAKER: The pending question is on the motion of Representative Brannigan of Portland that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 356

YEA—Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brannigan, Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connors, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Gwadosky, Hall, Hayden, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Ketover, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, McSweeney, Michaud, Mitchell, E.H.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Rotondi, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Soule, Stevens, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Bost, Brodeur, Brown, A.K.; Carrier, Carroll, D.P., Connolly, Cote, Gauvreau, Handy, Higgins, H.C.; Hobbins, Kane, Kelly, LaPlante, Mahany, Martin, A.C.; Mayo, McColister, McHenry, Melendy, Michael, Mills, Mitchell, J.; Reeves, P. Rolde, Scarpino, Smith, C.B., Stevenson, Thompson.

ABSENT—Baker, Benoit, Dudley, Livesay, Matthews, Z.E.; Richard, Sproul, Webster, Mr. Speaker.

Yes, 110; No, 32; Absent, 9.

The SPEAKER: One hundred ten having voted in the affirmative and thirty-two in the negative, with nine being absent, the motion

does prevail.

Representative Brodeur of Auburn offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-460) was read by the Clerk.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: I will not take too much time on this. This is the same prevention for—I will read it. If a company provides funds to any person or nation other than the United States for the development or production of a nuclear weapons system or nuclear weapons delivery system—my concern is that the world is dangerous enough as it is without promoting any further nuclear weapons in countries such as Liberia or South Africa and I think that we ought to have a prohibition similar to the last one. I don't expect too much change in the last vote, but I think this issue is important and it needs to be aired.

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

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

My reasoning for doing this, my regret for doing it, is the same as before. I certainly have a great sentiment for the stopping of the manufacturing of nuclear weapons in many places, even inside the United States, but our United States Government is supporting it in other places. It is a federal matter and I hope we can be doing something about it but this is not the place, I believe, to be doing something about it. If it was the place, in the state, then we would have to do it, I believe, at all levels of government in which we promote from outside the state.

Representative Reeves of Pittston requested a roll call on the motion to indefinitely postpone House Amendment "B".

More than one-fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER: The pending question before the House is the motion of the gentleman from Portland, Representative Brannigan, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 357

YEA—Allen, Anderson, Armstrong, Beau-lieu, Bell, Bonney, Bott, Brannigan, Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Conners, Cooper, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Hayden, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Joyce, Kane, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, MacBride, MacEachern, Macomber, Manning, Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McGowan, McPherson, McSweeney, Michaud, Mitchell, E.H.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Rolde, Rotondi, Salsbury, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Stevens, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnklton.

NAY—Ainsworth, Andrews, Bost, Brodeur, Brown, A.K.; Carrier, Carroll, D.P.; Connolly, Cote, Cox, Handy, Higgins, H.C., Hobbins, Jalbert, Kelly, Locke, Mahany, Martin, A.C.; Mayo, McCollister, McHenry, Melendy, Michael, Mills, Mitchell, J.; Reeves, P.; Scarpino, Smith, C.B.; Soule, Stevenson, Thompson.

ABSENT—Baker, Benoit, Dudley, Jacques, Kelleher, Livesay, Matthews, Z.E.; Richard, Sproul, Mr. Speaker.

Yes, 110; No, 31, Absent, 10.

The SPEAKER: 110 having voted in the affirmative and 31 in the negative with 10 absent, the motion to indefinitely postpone House Amendment "B" does prevail.

(House at Ease)

Called to order by the Speaker.

Mr. Davis of Monmouth offered House Amendment "C" (H-461) and moved its adoption.

House Amendment "C" (H-461) was read by the Clerk.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I am a realist enough to understand that this bill concerning interstate banking is on its way through our two bodies. I have had concerns about it as you people know from our last bout with this bill.

I would ask you to help me in bringing about this amendment to fruition in that in our studies we have found that larger banks have had some problems, I feel, with small businesses, and this amendment merely addresses that problem, if there is one, and I hope that this amendment will answer it.

As we read the Statement of Fact, it is to require the interstate banking applications to address how the applicant proposes to satisfy the credit needs of the consumer and businesses which employ twenty persons or less and have an annual sales of \$2.5 million or less. Ninety six percent of Maine's businesses would fall in this category.

The second provision—merges and acquisitions in new establishments by Maine or non-Maine financial institution holding companies are intended to improve banking services and credit opportunities in the state, and this section merely asks the Superintendent of Banking to speak to us annually and assure us that this is taking place.

I do apologize for this amendment not having been offered earlier but it just came to my attention yesterday, so without further talk, I would just ask you if you would kindly help me in bringing this to fruition.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I believe that this is a good amendment to a bill that we have been told is inevitable, that is progress and really great for all the people of Maine. No one wants to impede progress, try to stop the inevitable or stand in the way of something that might be great for the people of Maine.

Have you ever noticed that some of the banks in Maine are beginning to resemble green-houses? A few years ago, one entered a bank to be greeted by tellers, secretaries, loan officers—you know, "real live people." Now all too often, a jungle of philodendron, fig trees, african violets and computers have replaced these faces. When someone does emerge from this forest, you are given forms to be processed and nicely told they will be sent to another office—"you will hear soon on the results of your request for a loan". But upon leaving the bank, you are quite quick to notice that banking has changed—lines form at the drive-in window, that is where the action is.

Maine people are depositing their money in the bank and the Maine people like a fast way to deposit their money but they also want a fast way to get their loan. They want all service and in-service banking. We must, in our own humble way, preserve their interest and I ask for your support on this amendment.

Thereupon, House Amendment "C" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following paper was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 736)

ORDERED, the House concurring, that An Act to Provide for Reapportionment of County Commissioner Districts, L. D. 1950, H. P. 1487, be recalled from Engrossing to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Brannigan of Portland,

Adjourned until ten o'clock tomorrow morning.