

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

**HOUSE**

Wednesday, April 17, 1985

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

Prayer by Reverend Elizabeth Bachelder-Drost, United Methodist Church, Mechanic Falls.

Quorum called; was held.

The Journal of yesterday was read and approved.

**Papers from the Senate**

RESOLVE, Creating a Commission to Study Age Discrimination in Employment (S.P. 483) (L.D. 1311)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Encourage A Viable Agriculture for Maine" (S.P. 489) (L.D. 1316)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Fund Community Response Programs to Reduce Spouse Abuse in Maine Communities" (S.P. 487) (L.D. 1315)

Bill "An Act Concerning Supplemental Appropriations for Home-based Care" (Emergency) (S.P. 490) (L.D. 1317)

Bill "An Act to Authorize a Bond Issue in the Amount of \$2,000,000 to Establish an Occupational Safety Loan Fund" (S.P. 491) (L.D. 1318)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Prohibit Discrimination Against Handicapped People in Insurance" (S.P. 484) (L.D. 1312)

Came from the Senate, referred to the Committee on Business and Commerce and Ordered Printed.

Was referred to the Committee on Business and Commerce in concurrence.

Bill "An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance" (S.P. 485) (L.D. 1313)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Amend Certain Sections of the Employment Security Law" (S.P. 493) (L.D. 1319)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Facilitate Detection of Drivers Operating Under the Influence of Intoxicating Liquor or Drugs" (S.P. 486) (L.D. 1314)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Provide Toll-free Telephone Lines for Community Emergency Nonprofit Services" (Emergency) (S.P. 494) (L.D. 1320)

Bill "An Act to Authorize the Public Utilities Commission to Act on an Expedited Basis in Certain Cases" (S.P. 495) (L.D. 1321)

Came from the Senate, referred to the Committee on Utilities and Ordered Printed.

Were referred to the Committee on Utilities in concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Amend Certain Aspects of Post-conviction Review" (S.P. 154) (L.D. 421)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Amend the Probate Laws to Allow Probate of Property Discovered up to 20 Years after Death" (S.P. 75) (L.D. 171)

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

**Messages and Documents**

The following Communication:

DEPARTMENT OF ENERGY  
Chicago Operations Office  
Crystalline Repository Project Office (CPO)  
9800 South Cass Avenue  
Argonne, Illinois 60439

April 10, 1985

Honorable John L. Martin

Speaker of the House of Representatives  
of the State of Maine  
Augusta, Maine 04333

Dear Mr. Martin:

SUBJECT: CRYSTALLINE REPOSITORY  
PROJECT (CPO) REGION-TO-  
AREA SCREENING METH-  
ODOLOGY

As you may know, your state is under consideration in the regional phase of the Crystalline Repository Project for a possible site for the nation's second high-level radioactive waste repository. Under separate cover, we are sending you a copy of the final Region-To-Area Screening Methodology issued by DOE today. This methodology has been developed over the last 20 months in a consultation and cooperative process that has included three workshops with state-appointed representatives and comments received on the draft document. Enclosed is a copy of the DOE press release announcing issuance of this document, as well as the fact sheet being used for response to inquiries. I have also included a general information packet for your use.

The Crystalline Repository Project is part of DOE's Civilian Radioactive Waste Management Program, mandated by the Nuclear Waste Policy Act of 1982. This legislation requires the Department of Energy to site, construct, and operate a geologic repository for disposal of nuclear waste. Three sites have been tentatively recommended for further investigation as the future site of a first repository. They are Yucca Mountain in Nevada, Deaf Smith County in Texas, and the Hanford site in Washington. The CRP is part of a second repository program.

Currently, the CRP is in the regional phase. The regional phase consists of a literature survey of geological and environmental data available in existing literature for over 230 rock bodies in seventeen states (three regions). Later this year, a screening process will be conducted by which the Region-To-Area Screening Methodology will be applied to the data collected narrowing the number of areas to be studied in the next phase to 15 to 20. This screening process will be documented in a report called the Area Recommendation Report which will be issued in draft later this year. We expect to enter the next phase, the Area Phase, in mid 1986.

If you have any questions on the CRP, or need any further information, please feel free to contact Mr. Hunter Weiler on (312) 972-2957.

Sincerely,

S/ SALLY A. MANN, Manager  
Crystalline Repository Project Office  
Was read and with accompanying papers ordered placed on file.

The following Communication:

STATE OF MAINE  
Executive Department  
Division of Community Services  
State House Station 73  
Augusta, Maine 04333

April 16, 1985

Hon. Edwin H. Pert  
Clerk of the House  
House of Representatives  
Room 300, State House  
Augusta, Maine 04333  
Dear Clerk Pert:

I am pleased to submit to the 112th Legislature the Second Community Action Annual Report. The report summarizes the work of Maine's twelve Community Action Agencies during the Period from October 1, 1983 through September 30, 1984.

If you need additional copies, please contact this office.

Sincerely,  
S/ NANCY A. BOOTHBAY  
Director

Was read and with accompanying report ordered placed on file.

**Consent Calendar  
First Day**

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

(S.P. 118) (L.D. 333) Bill "An Act to Preserve Affordable Telecommunications Equipment for Customers with Special Needs" (Emergency) Committee on Utilities reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, April 18, 1985 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. 435) (L.D. 617) RESOLVE, Concerning Blackfly Control (C. "A" H-73)

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

**Passed to Be Enacted**

Bill "An Act to Protect Lobster Gear" (H.P. 445) (L.D. 627)

Was reported by the Committee on "Bills in the Second Reading, read a second time, passed to be engrossed and sent up for concurrence.

**Later Today Assigned**

Bill "An Act Concerning Motor Vehicle Insurance and the Household Exclusion" (S.P. 481) (L.D. 1300)

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

On motion of Representative Hayden of Durham, tabled pending passage to be engrossed and later today assigned.

**Passed to Be Engrossed**

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 482) (L.D. 1301)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed and sent up for concurrence.

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

**Reports of Committees****Refer to the Committee on Judiciary**

Representative NELSON from the Committee on Human Resources on Bill "An Act to Amend the Medical Examiner Act and Related Provisions" (H.P. 859) (L.D. 1218) reporting

that it be referred to the Committee on Judiciary.

Report was read and accepted and the bill referred to the Committee on Judiciary and sent up for concurrence.

#### **Passed to Be Enacted Emergency Measure**

An Act Concerning Persons on Partial Release from a Mental Health Institution (H.P. 856) (L.D. 1213) (S. "A" S-47)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **(Off Record Remarks)**

On motion of Representative Strout of Corinth.

Recessed until 10:00 o'clock in the morning.

#### **(After Recess)**

The House was called to order by the Speaker.

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

#### **Reports of Committees**

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

Representative GWADOSKY from the Committee on State Government on Bill "An Act to Reduce the Length of the First Legislative Session from 100 Days to 90 Days and Set a Calendar Deadline of June 15th and Reduce the Length of the 2nd Legislative Session from 50 Days to 40 Days and Set a Calendar Deadline of "April 15th" (Emergency) (H.P. 319) (L.D. 408) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish Fixed Dates for the Adjournment of the First and Second Regular Sessions of the Legislature" (Emergency) (H.P. 928) (L.D. 1333) (Senator HICHENS of York—of the Senate—Abstaining)

Report was read and accepted and the New Draft read once.

By unanimous consent, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### **Orders of the Day**

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

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

SENATE DIVIDED REPORT—Majority (8) "Ought Not to Pass"—Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (S-45)—Committee on Business and Commerce on Bill "An Act Relating to Additional Charges in Connection with Consumer Credit Transactions" (S.P. 72) (L.D. 168)

—In Senate, Majority "Ought Not to Pass" Report read and accepted.

TABLED—April 16, 1985 (Till Later Today) by Representative MURRAY of Bangor.

PENDING—Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Murray.

Representative MURRAY: Mr. Speaker, Men and Women of the House: L.D. 168 is a bill which would amend the Maine Consumer

Credit Code to allow businesses to charge a \$10 fee on checks that have come back with insufficient funds on credit card accounts only, open end credit card accounts. This bill was debated in committee extensively and it sounds like a very reasonable approach. But on further analysis, I hope to point out the reason why the majority of the committee felt this bill was not worth passing.

The bill deals with specifically and only charges on credit card accounts. If I go into a store and purchase an item, pay for it with a check, the check bounces, that merchant has the right to charge me whatever type of fee he wants for the insufficient funds. The bill deal specifically and exclusively with open end and closed end credit accounts, which means if I go into a store and used my J.C. Penney charge card or my Sears charge card and I pay for that monthly bill with a check that bounces, the merchant would then be allowed to charge me a \$10 fee. It is important to remember that is the only type of charge we are talking about, credit accounts only. On cash transactions, the merchants can charge you right now. Now the reason that the majority of the committee felt it was not proper that an extra charge be allowed in those credit transactions is that the State Legislature through the Consumer Credit Code already allows for an 18 percent finance charge on those same credit transactions that I explained. So if I go in, use my J.C. Penney charge card, pay for my monthly bill with a check that bounces, I am going to be charged a finance charge on that unpaid balance for as long as it takes me to make that balance clear. The finance charge that we allow by law, the 18 percent level on open end credit accounts and an even higher level on some closed end credit accounts, is allowed for the purpose of covering a merchant's cost in borrowing the money and most importantly, it is used to cover the risk involved with extending credit. The store makes that decision that they want to allow consumers the right to use credit. It is that store's decision and the store at any time has the right to withdraw that right. The store can yank that person's credit card if it has some bad experiences. But what we are talking about here is the store's decision to allow for credit to be used, we allow the finance charge of 18 percent to cover the cost of borrowing the money over that period when the balance is unpaid and also the risk involved.

The bill, in essence, would allow for a double charge. It would allow for the charge of the finance charge. It would allow a \$10 charge on top of that, plus the \$10 fee would go on to the unpaid balance and, in essence, start collecting a finance charge on that as well. There are plenty of disincentives in place right now for consumers not to bounce a check. If that check bounces, the bank that is involved that issued the check originally, in most cases, is going to charge the consumer a fee of anywhere from \$8 to \$12 on that insufficient funds. So, they are going to be charged that to begin with, plus the finance charge which I alluded to earlier.

I believe strongly that there are enough disincentives in place now to discourage that type of payment or lack of payment. I would urge you to maintain the Consumer Credit Code as it is and as it was put in place to protect the consumer from excess charges and fees. It is an issue that is taken care of well by the finance charge and I would urge you to support the majority report of the committee.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: As a member of that committee, I listened diligently to the testimony and this appears to be nothing but a merchants bill. The Visa credit card, you use that, if you have a bad check they automatically put the amount that you wrote for that

bad check that is within your credit allowance and credit it to your Visa account as an obligation to pay that amount on the Visa credit. The other credit cards is truly and additional charge. This is truly a merchants bill.

I would also like to clear the record. At no time during the testimony was there any bipartisan feeling during that whole testimony. I have it on good knowledge that in six years there has been just one bipartisan, truly bipartisan, bill that came out of that committee. That was in 1981 on oil. It just happened that the Democrats and Republicans just were on opposite sides in signing that bill. I signed the bill, one of the last ones, and it was quite evident to me that in reading that I thought there was something wrong. What was wrong about it was that it did not reflect the feeling during the testimony. I would like to be proven wrong on that if it is wrong. I just had that feeling it was not a bipartisan bill. I urge you not to go along with the additional charges.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Baker.

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: When one rises for the first time in this respected bastion of democracy, one expects to be speaking on an issue of significance of substantial significance. Unfortunately, this bill is a modest approach to business problems of the day and I rise then with some humility.

I see this issue as one of consistency and one of fairness. When a customer's check is deposited by a retailer and is returned by the bank for insufficient funds, that bank charges the retailer for that check. Now, under existing law, the retailer, if it is a one time transaction, can pass that charge back on to the customer who wrote the bad check. But we have an inconsistency in the law in this particular instance and that same customer, if he is paying the check under revolving credit, is not charged by the retailer, the bank charge can't be passed back to him. So, I see that as an inconsistency.

This bill permits the retailer to charge \$10 for bad checks that are received on charge accounts. The opponents argue that the retailer can charge up to 18 percent interest on unpaid balances on charge accounts and that is sufficient to cover any bank charges. The interest charges on revolving credit accounts are totally unrelated to these bank charges. Those interest charges represent the costs of the carrying costs of in effect loaning the money to the customer and it also covers the cost of maintaining the credit record.

Under current law, there is no financial penalty for a person who pays his charge with a bad check. This is unfair to the retailer who gets stuck with the bank charge and it is poor public policy because there is no financial deterrent to the person who writes the bad check.

I urge you to vote against the "Ought Not to Pass" motion so that we can accept the bill as amended.

Mr. Speaker, I call for a division.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I also serve on this committee and this bill was interesting to me because I know a little bit about merchandising and the problem of bad checks.

First of all, everyone here has received an amendment to this. I would like to refute the testimony of the Representative from Bangor dealing with the double charge. The amendment to this bill reads, and I will read it for you so you don't have to look it up, that, "If the consumer is subject to a delinquency charge under Section 2-502, the creditor may elect to collect either the delinquency charge or the \$10 charge allowed under this section. But, in

no case, may the creditor collect both charges." So, there is no double charge that the store can charge on an open end credit. The 18 percent has no connection with the charge of the bank that charges for the bad check to the retailer. The 18 percent is the agreed upon right that we have decided on in this state that will be allowed in these accounts.

Now we are setting a precedent here if we are not allowing the cost to be passed on to the customer. The rate may go up to 20 or 21 percent as in some other states.

I am also concerned about the other 98 percent of the people that don't bounce checks. They have to pay the 18 percent rate. Are we penalizing them because they have to subsidize the people that either by mistake or just total irresponsibility bounce checks on these accounts? What about the small accounts where people repeatedly write bad checks and the retailer has to pay \$8 or \$10 for each check that is bounced and it could amount to more than what is in the account and he cannot pass this cost on to the consumer.

Representative Aliberti brought up a very good point and I am glad he did. Other credit cards already charge for costs of bounced checks. He mentioned Visa. American Express, you bounce a check on them and you are certainly going to know about it and pay for it.

So, I urge you to defeat this motion of "Ought Not to Pass" so we can pass this bill. The net result may not be any increase in cost to the consumer because there is a delinquency late fee charge that is already on the books. What this would do is to focus on those who have problems balancing their checkbook and make them more responsible and ultimately award those who fulfill their responsibilities and write good checks in their transactions of their business. I urge you to defeat this motion of "Ought Not to Pass" so we can pass this bill.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Murray.

Representative MURRAY: Mr. Speaker, Men and Women of the House: I would just like to respond briefly to some of the arguments that have been raised. We have been told that the banks would charge the retailers in all these cases. In fact, we had a bill yesterday on bounced checks and another issue somewhat related and we were told that often times that larger retailers, those that have accounts with the banks often times are not even charged this fee. It is totally up to the discretion of the banks on whether or not to charge a fee. In most cases, the larger stores we are talking about, the stores that have these credit cards, usually Sears or J.C. Penneys, often times aren't even charged this fee and, if it is charged, it may be a reduced fee.

Secondly, my good friend from Gorham raised the issue of the delinquency charge that is covered in the committee amendment, the minority report. That delinquency charge is only applied to closed end credit accounts, which is different from a charge card. A closed end account is when you borrow a certain amount of money and an installment plan is established where you pay a certain amount each month and, if you are late in one of those monthly payments, a delinquency charge can be assessed. That applies to those types of accounts only. The double charge I was referring to dealt with an open end account. I stand corrected, in essence, it probably should be a triple charge. It would be a charge from the bank that issues the check, it would be a finance charge that is already allowed and finally, the triple charge would be the charge that this bill would allow from the merchant.

Representative Hillock also raised the issue of someone who repeatedly writes bad checks on this type of account. I would argue to you, if I were a merchant and I was making a decision to extend credit or not, if I had a situation where the person was repeatedly writing

bad checks, I think I would think twice about extending that credit any further.

In summary, I would just like to say that I think that the charges allowed by the credit code now are reasonable. They are there for a reason. The 18 percent charge was put in place to cover these costs, the cost of the risks involved and I would urge you to maintain that by supporting the Majority "Ought Not to Pass" report.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I request a roll call on this issue.

In summation, I think we have pretty much debated all of this but the bottom line is, do we heard the responsible people in our society, who are conscientious on their obligations or do we reward the people that do not take their obligations and responsibilities seriously? This is a philosophy that, if you go either way, I think this vote will show how you feel on this.

The SPEAKER: A roll call had been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yea; those opposed will vote nay.

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

The SPEAKER: The pending question before the House is acceptance of the Majority Ought Not to Pass report in concurrence. Those in favor will vote yea; those opposed will vote nay.

#### ROLL CALL No. 41

YEAS:—Aliberti, Allen, Beaulieu, Bost, Brodeur, Carroll, Carter, Cashman, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jalbert, Joseph, Lacroix, Macomber, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Mills, Mitchell, Moholland, Murphy, E.M.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paul, Perry, Pouliot, Priest, Randall, Reeves, Richard, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Smith, C.B.; Soucy, Stevens, P.; Strout, Swazey, Tammara, Theriault, Vose, Walker, Warren, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hillock, Holloway, Ingraham, Jackson, Jacques, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Michaud, Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Racine, Rice, Ridley, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Baker, H.R.; Boutillier, Brannigan, Carrier, Chonko, Clark, Descoteaux, Higgins, L.M.; Kane, Lisnik, Mayo, Melendy, Paradis, P.E.; Seavey, Simpson, Tardy

69 having voted in the affirmative and 66 in the negative with 16 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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

Bill "An Act to Provide for the Negotiability of Transfers, Reassignments and Promotions for Teachers" (H.P. 530) (L.D. 750)

—In House, Bill and accompanying papers indefinitely postponed on April 9, 1985.

—In Senate, Majority "Ought to Pass" as amended Report of the Committee on Labor

read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-61) in non-concurrence.

TABLED—April 16, 1985 by Representative HAYDEN of Durham.

PENDING—Further Consideration.

On motion of Representative Hayden of Durham, retabled pending further consideration and tomorrow assigned.

#### Bill Held

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, is the House in possession of Bill "An Act to Provide Adequate Facilities for the Public Utilities Commission" (Emergency) (H.P. 921)

—In House, Referred to Committee on Appropriations and Financial Affairs on April 16, 1985?

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

On motion of Representative Vose of Eastport, the House reconsidered its action whereby this Bill was referred to the Committee on Appropriations and Financial Affairs.

On motion of the same Representative, the Bill was Referred to the Committee on Utilities, ordered printed and sent up for concurrence.

The following items appearing on Supplement No. 2 were taken out of order by unanimous consent:

#### Reports of Committees

##### Unanimous Ought Not to Pass

Representative BEAULIEU from the Committee on Labor on Bill "An Act Concerning the Waiting Period for the Receipt of Unemployment Benefits" (H.P. 758) (L.D. 1078) reporting "Ought Not to Pass"

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 item appeared on the Consent Calendar for the First Day:

(H.P. 730) (L.D. 1039) Bill "An Act to Expand the Membership of the Maine Occupational Information Coordinating Committee" Committee on Labor reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, April 18, 1985 under the listing of Second Day.

The Chair laid before the House the following matter: Bill "An Act Concerning Motor Vehicle Insurance and the Household Exclusion" which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

#### (Off Record Remarks)

Representative Murray of Bangor moved that the House reconsider its action on Bill "An Act Relating to Additional Charges in Connection with Consumer Credit Transactions" (S.P. 72) (L.D. 168) whereby the House accepted the Majority "Ought Not to Pass" Report in concurrence.

Representative Armstrong of Wilton requested a roll call.

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

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

call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: During the break, I asked to have this bill held for one day. I would hope that this House would extend to me that courtesty to me by voting to reconsider.

The SPEAKER: The pending question before the House is the motion of the Representative from Bangor, Representative Murray that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted in concurrence. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL No. 42**

YEAS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Conners, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Hillock, Holloway, Ingraham, Jackson, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Racine, Randall, Rice, Salisbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

NAYS:—Aliberti, Allen, Beaulieu, Bost, Brodeur, Carroll, Carter, Cashman, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Diamond, Duffy, Erwin, Gwadosky, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Lacroix, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Smith, C.B.; Stevens, P.; Swazey, Tamaro, Theriault, Vose, Walker, Warren, The Speaker

ABSENT:—Baker, H.R.; Boutilier, Brannigan, Carrier, Chonko, Clark, Descoteaux, Higgins, L.M.; Kane, Lisnik, Mayo, Seavey, Simpson, Tardy

68 having voted in the affirmative and 69 in the negative with 14 being absent, the motion did not prevail.

**(Off Record Remarks)**

On motion of Representative McSweeney of Old Orchard Beach.

Adjourned until nine o'clock tomorrow morning.