

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

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**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

of the advantage of shopping for the best credit rate available and many of them are going to their credit unions. Can there be any question that this awareness has not benefitted Maine's federally chartered credit unions as well? Is it fair that these federally chartered credit unions which extended \$152 million in credit in 1976 should go without paying their fair share while the other creditors with whom they are in direct competition must pay the same cost?

L. D. 242, in its amended committee version, would increase the filing fee from \$10 to \$30, only for those institutions extending more than \$52,000 in credit annually. L. D. 242 also affects larger creditors by increasing the charges for branch offices from \$5 to \$20, an agreement which was reached with the people at the public hearing on this bill.

The Governor, in his veto message, has made reference to a balanced budget. He does so knowing full well that it will be necessary, as of this date, to utilize the funds that we have received from the Downeasters Pocket Credit Guide for administrative expenses rather than the distribution of additional educational material for Maine citizens free of charge and thereby violating the Maine Consumer Credit Code in its concept. Interestingly enough, thousands of copies of the Downeasters Pocket Credit Guide have been distributed to members of the federal credit unions as well as the state credit unions in this state. The bureau's budget for the 1978 biennium will be approximately \$136,000 for a staff of seven.

Talking with the Commissioner of Business Regulation this morning relative to this veto message, I was pleased to hear that Commissioner Alfred Perkins has commended John Quinn and said he has done a good job managing the finances of that bureau to date. It is on this basis that I ask, respectfully, that you consider voting not to sustain the Governor's veto.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to the gentledady. These volume fees are paid by all types of creditors, am I not correct, Ms. Clark? Mr. Speaker, she answered it in the affirmative. They are paid by all, which includes every small business in addition to credit unions. I don't know and did not know prior to this afternoon that there was such a feud going on between the credit unions and the Consumer Protection Office. Be that as it may, I don't believe that any bill which goes after one particular segment of the economy is a good bill, but when it hits many many other sections of the economy in order to catch that one, I think it is a much worse bill, and certainly this would apply to every merchant who is in the business of selling credit of any kind, and the \$52,000 limit is not a very high one if you are doing any volume of business. Therefore, businesses such as retail dealers in almost any kind of equipment who are doing over \$50,000 a year have had their fees unilaterally raised from \$10 to \$30 with no increase in business.

Of course there was a compromise struck, it was a great compromise, a compromise between lending institutions who lend millions of dollars, who don't want to be charged on a volume basis, which the gentledady from Freeport agrees is a much better system to operate under and a fairer system, they were opposed to that, so I would feel that the big volume institutions would certainly be making a compromise. But it was a great compromise, you charge the little fellows three times as much and the big ones get off without any big increase, and I think this bill is a bad one and the veto should be sustained.

The SPEAKER: The pending question is, shall this bill become law notwithstanding the objections of the Governor? This requires a two-thirds vote of those present and voting.

Pursuant to the Constitution, the vote will be taken by the yeas and nays. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bustin, Carroll, Clark, Connolly, Curran, Davies, Devoe, Diamond, Dudley, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Howe, Huber, Hughes, Jackson, Jensen, Kane, Kany, Kerry, Kilcoyne, LaPlante, Locke, Mitchell, Nadeau, Najarian, Nelson, N.; Norris, Peakes, Pearson, Plourde, Post, Prescott, Sewall, Spencer, Sprowl, Theriault, Tierney, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Alopis, Ault, Austin, Berry, Berube, Biron, Birt, Brown, K. L.; Bunker, Burns, Carey, Carter, F.; Churchill, Conners, Cote, Cox, Cunningham, Dexter, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Fowle, Gillis, Gould, Gray, Green, Henderson, Hickey, Higgins, Hunter, Hutchings, Immonen, Jacques, Joyce, Kelleher, Laffin, Lewis, Littlefield, Lizotte, Lougee, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Moody, Morton, Nelson, M.; Palmer, Peltier, Perkins, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Trafton, Twitchell.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Carter, D.; Chonko, Dutremble, Elias, Garsoe, Gauthier, Gill, Hobbins, Jalbert, LeBlanc, Lunt, Lynch, MacEachern, Martin, A.; Peterson, Quinn, Talbot, Tozier, Truman, Tyndale.

Yes, 52; No, 75; Absent, 24.

The SPEAKER: Fifty-two having voted in the affirmative and seventy-five in the negative, with twenty-four being absent, the Governor's veto is sustained.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388) (H. "A" H-743 to C. "A" H-734) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. McKean of Limestone, the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-881) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Without changing the concept of the operational structure of the very good amendment that Representative Biron put out yesterday on the Turnpike bill, I would like to insure, however, that there is sufficient funding available for the conversion process in 1981, and because of the 1981 date, it is not possible to exactly ascertain the amount of funding that is going to be needed. I have heard the amount of \$5 million, I have heard the amount of \$10 million, depending upon the inflationary rate at that time. However, I think it behooves us to insure that funding is available without, first of all, draining the highway fund or having to dip into the General Fund itself. And I think today, during the allocation act, was a very good example of what can happen if we don't kind of plan for the future.

So the plan that I have is within House Amendment "B" under Filing No. H-881. What it states in effect is this. During the one-year period which Mr. Biron built into his amendment, when the system is turned over to the

Highway Department, the funds that are taken in from the toll system will be utilized for the conversion process. That means when the conversion process comes along within that one year period of time, the funds will then be available. There is no way at this time that the Highway Department could have spent the funding, come back to us and say, we don't have the funds but we need them. So this is a built in process to insure we have the funding to take care of the problem when it does come along.

I would hope that you would adopt House Amendment "B" to Committee Amendment "A".

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

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, it seems to me that House Amendment "A" is in conflict with House Amendment "B" and that House Amendment "A" should be indefinitely postponed.

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

Mr. BIRON: Mr. Speaker, if the members of the House look at the two amendments, the language in the two amendments are exactly the same. I think this is the procedural problem we are having right now. The difference in the two amendments is that the good gentleman added the provisions which he talked about in his amendment. Keeping in mind that these amendments are amendments to the Committee Amendment, they have to be done at first reading and therefore we had to back it up, so if one is accepted, the other one can't be, so I am agreeable to indefinitely postponing mine and replace it with the other one which does the same thing.

Thereupon, the House reconsidered its action whereby House Amendment "A" to Committee Amendment "A" was adopted, and the amendment was indefinitely postponed.

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

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

The Chair laid before the House the following matter:

RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee to be Exercised when the Legislature is not in Session (H. P. 1397) (L. D. 1658) (C. "A" H-676) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Mr. Palmer of Nobleboro, tabled pending final passage and tomorrow assigned.

The Chair laid before the House the following matter:

House Divided Report — Majority (7) "Ought to Pass" — Minority (6) "Ought Not to Pass" — Committee on State Government on Bill, "An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200) which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Ms. Goodwin of Bath, tabled unassigned pending acceptance of either Report.

The Chair laid before the House the following matter:

"An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville" (Emergency) (S. P. 410) (L. D. 1418) which was tabled earlier in the day and later today assigned pending passage to be enacted.