

HOUSE No. 5613

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133



MICHAEL S. DUKAKIS
GOVERNOR

March 11, 1977

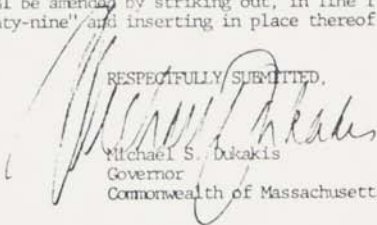
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Article LVI of the Amendments to the Constitution, I am returning, herewith, House Bill No. 581, entitled, "An Act Providing for a Limited Time Compliance with the Federal Fair Credit Billing Act Shall be Construed to be in Compliance with the Law of the Commonwealth Relative to Protection of Consumers Against Careless and Erroneous Billings."

H 581 would extend, until December 1, 1979, the temporary preemption of the state erroneous billing law (G.L. Ch. 93C) by the federal Fair Credit Billing Act. This preemption was first established last year, by St. 1976 Ch. 123, in order to remove the necessity for providers of commercial credit to send each customer two different notices of their rights with each monthly statement. Since the preemption provided in Ch. 123 expires on April 1, and since little if any work has been done to date on legislation to reconcile the state and federal laws, I agree that a further extension is necessary. But I support the view of the Attorney General that H 581 extends the federal preemption for too long a period. A 32-month suspension of Chapter 93C would amount to a *de facto* repeal of that law. I am not ready to take such a step because the Massachusetts law does provide greater protections for consumers than the federal law does. I am advised that the two laws could be reconciled without major amendments, and I believe that this and the next legislative session allow more than enough time to enact such a bill and, if necessary, gain approval of a federal exemption for the state's law. Accordingly, I propose that the termination date in H 581 be changed to December 1, 1978, with the understanding that I do not intend to sign any extension beyond that date.

I therefore recommend that H 581 be amended by striking out, in line 1 of the engrossed bill, the words "seventy-nine" and inserting in place thereof the words: - seventy-eight.

RESPECTFULLY SUBMITTED,


Michael S. Dukakis
Governor

Commonwealth of Massachusetts

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