

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Ninth***

***Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

## HOUSE

Thursday February 7, 1980

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

Prayer by the Reverend Douglas Drown of the Congregational Church, Bingham.

Rev. DROWN: Let us pray! Gracious Father who by your will has ordained all government for the welfare of your people, grant your blessing, we pray, upon these your servants here gathered as they forge legislation for the State of Maine. Grant them perception, wisdom and a caring heart that all decisions here made and all work here done may be beneficial to the citizenry and in accordance with your will and purposes. May grace, mercy and peace rest with us all. Amen.

The journal of yesterday was read and approved.

## Papers from the Senate

The following Joint Orders, Expressions of Legislative Sentiment recognizing that:

Bud Dillihunt, for his dedication and contribution towards the cause of social and economic advancement in the Jackman area. (S. P. 745)

The inauguration of Trans-Quebec #75, the "Beauceron Snowmobile Trail," President Laurent Caouette and the many enthusiastic clubs and participants involved. (S. P. 748)

The Border Riders Snowmobile Club and President Louise Shelly for the many courtesies and excellent work extended in inaugurating the Trans-Quebec #75 Snowmobile Trail; (S. P. 749)

Came from the Senate read and passed.

In the House, were read and passed in concurrence.

## Non-Concurrent Matter

Bill "An Act to Require that Children who are under 15 Years of Age Wear Helmets when they are Passengers on Motorcycles" (H. P. 1590) (L. D. 1700) which was passed to be engrossed in the House on January 23, 1980.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-410) in non-concurrence.

In the House:

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

Mr. JACQUES: Mr. Speaker, I move that we adhere.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis moves that the House recede and concur.

The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker and Members of the House: I am sure after my remarks two weeks ago, most of you know I am in favor of this legislation.

If I ever had any doubts as to my opinion, a week ago they were solidified in the most recent public hearing on this subject. One biker testified that it was his responsibility to teach his children and not the Maine Legislature's. He added, if he ever caught his kids wearing a helmet, he would never let them ride a bike again. He said that your skull is nature's natural helmet. It is hard for me to understand, with consistent testimony like this for many years, why the Maine Legislature took a step backwards in 1977 and succumbed to the concentrated lobbying of the Maine Bikers Association in the first place.

We must ask, if the skull is truly nature's natural helmet, then why do soldiers today wear helmets, why do construction workers wear hardhats and why do football players wear helmets? In my opinion, a person's head was de-

signed for normal day-to-day living and not for motor combat, not for open field tackling and, most of all, not for zipping along the highway at 60 miles an hour.

I would hope that you would support this bill, I hope you will support the receding and concurring motion and not the adhering motion.

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

Mr. JACQUES: Mr. Speaker, I am just wondering if this amendment is germane to the bill. As I see it, the same bill was taken up last year and this House turned it down. Again, if that amendment is accepted, it goes back to the same thing that we rejected last year. I am wondering if that amendment is germane to the bill?

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, has posed a question to the Chair on germaneness of the amendment.

Thereupon, the Bill was tabled pending a ruling from the Chair.

## Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund (H. P. 1799) (L. D. 1921) which was referred to the Committee on Taxation in the House on February 5, 1980.

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

In the House: The House voted to adhere. By unanimous consent, ordered sent forthwith to the Senate.

## Messages and Documents

The following Communication: (S. P. 747)

February 5, 1980

Honorable Howard M. Trotzky  
Honorable Laurence E. Connolly  
Chairman, Joint Standing  
Committee on Education  
State House  
Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Inge Foster of Dresden for reappointment as a member of the State Board of Education.

Pursuant to Title 20 MRSA Section 51, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House

Came from the Senate read and referred to the Committee on Education.

Was read and referred to the Committee on Education in concurrence.

Petitions, Bills and Resolves  
Requiring Reference

The following Bill was received and referred to the following Committee:

## Judiciary

Bill "An Act Establishing a News Media Privilege" (H. P. 1810) (Presented by Mr. Simon of Lewiston) (Cosponsor: Mr. Silsby of Ellsworth) (Was approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

## Orders

The following Joint Resolution: (H. P. 1809) in memory of:

John Platz, Auburn, Chairman of the Maine Maritime Academy Trustees.

Presented by Mrs. Lewis of Auburn.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: I would like to say just a few words

about John Platz.

I have had quite a bit of association with the Maritime Academy for several reasons, one is that one of my sons graduated from there. Also, I have had the experience of working on the Appropriations Committee with the Academy. I think there are probably very few people that I have known since I have been in state service that have had any more dedication to a particular job than John Platz has as chairman of the trustees of the Maritime Academy. I think he has done an outstanding job, he has spent a great deal of time, I think it was one of the more important parts of his life. He is one of the type of public servants that this state is lucky to have and I think that by passing this resolution at least the state and legislature recognizes his contribution.

Thereupon, the Resolution was adopted and sent up for concurrence.

## House Reports of Committees

## Ought Not to Pass

Mr. Davies from the Committee on Public Utilities on Bill "An Act Concerning Membership on the Board of Trustees of the Van Buren Light and Power District" (Emergency) (H. P. 1607) (L. D. 1718) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Ought to Pass with  
Committee Amendment

Mr. Twitchell from the Committee on Taxation on Bill "An Act Providing for Administrative Changes in the Maine Revised Statutes Relating to Taxation" (H. P. 1751) (L. D. 1867) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-771)

Report was read and accepted and the Bill read once. Committee Amendment "A" read and adopted and the Bill assigned for second reading tomorrow.

## Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-765) on Bill "An Act Relating to Hunter Safety" (H. P. 1612) (L. D. 1722)

Report was signed by the following members:

Messrs. PIERCE of Kennebec  
REDMOND of Somerset  
USHER of Cumberland  
— of the Senate.

Messrs. JACQUES of Waterville  
MASTERMAN of Milo  
VOSE of Eastport  
PAUL of Sanford  
PETERSON of Caribou  
DOW of West Gardiner  
MacEACHERN of Lincoln  
CHURCHILL of Orland  
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. TOZIER of Unity  
GILLIS of Calais  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, moves that the Majority "Ought to Pass" Report be accepted.

The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker and Ladies and Gentlemen of the House: I rise here this morning to voice some opposition to this bill. I believe in the concept of the bill; I would like to

have that known right off the bat here, but it does not go far enough.

If you will take the bill and look at it, down about the sixth line it says, "He reasonably believes to have killed, wounded or recklessly endangered the safety of another hunter, another human being—recklessly endangered."

From the moment you step into your car to go on a hunting trip to the moment you step out of your car at home, just by the mere fact of being out there you are endangering the life of a human being.

This doesn't spell anything out. Anything you do could be misconstrued by another individual to place you in jeopardy.

The rest of the bill has no essence whatsoever because the commissioner has all kinds of authority to suspend licenses, refuse to renew licenses and so forth, along with the administrative court. I just can't see this being enforced properly. Knowing what human nature is, as we all do, what happens between you and another individual is strictly a definition of how close is close? When you fire at a deer, you miss that deer and you hit a tree or bush or the slug goes into the ground and an individual is in the area where that slug lands, how close is close? When can that man scream to the high heavens that you have endangered his life? This is the objection I have to it; it just doesn't spell anything out. It leaves the entire interpretation to one individual, and that is the game warden, to bring the story into the courts. It leaves the final decision to the administrative court, yes, but human nature is human nature. You know as well as I do that whenever something like that happens, it automatically expands and is exaggerated and brought out, and it is just not spelled out.

I hope you will not accept the "ought to pass" report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tozier of Unity requested a roll call vote.

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 desiring a roll call vote 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 is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Benoit, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brodeur, Brown, D.; Brown, K.C.; Bunker, Carroll, Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Damren, Davies, Davis, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Elias, Fillmore, Fowlie, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Jacques, E.; Jacques, P.; Kane, Kany, Kiesman, Lancaster, Leighton, Leonard, Lizotte, Locke, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, Michael, Mitchell, Morton, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Small, Sprowl, Stover, Tarbell, Theriault, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

NAY — Bowden, Brown, A.; Brown, K.L.; Call, Carrier, Carter, D.; Carter, F.; Cunningham, Mach, Curtis, Dellert, Drinkwater, Dutremble,

L.; Fenlason, Garsoe, Gavett, Gillis, Gowen, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Kelleher, LaPlante, Lewis, Lougee, Lowe, Lund, MacBride, McHenry, McSweeney, Nelson, A.; Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Smith, Stetson, Studley, Torrey, Tozier.

ABSENT — Barry, Beaulieu, Berry, Brannigan, Brenerman, Dexter, Hughes, Jalbert, Joyce, Laffin, Nadeau, Silsby, Soulas, Strout, Tierney.

Yes, 91; No, 44; Absent, 15.

The SPEAKER: Ninety-one having voted in the affirmative and forty-four in the negative, with fifteen being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-765) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Consent Calendar

##### First Day

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

(S. P. 707) (L. D. 1843) Bill "An Act to Amend the Pay Schedule of Physicians to Include Actuaries" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-406)

On the objection of Mr. Wood of Sanford, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-406) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(S. P. 706) (L. D. 1842) Bill "An Act to Increase License and Examination Fees for Barbers" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-405)

(H. P. 1740) (L. D. 1858) Bill "An Act Amending the Charter of the York Sewer District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-773)

(H. P. 1750) (L. D. 1866) Bill "An Act Relating to Interest on Supplemental Assessments Under the Tax Laws" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-770)

(H. P. 1736) (L. D. 1854) Bill "An Act Pertaining to the Time for Recording a Tax Lien Mortgage" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-769)

(H. P. 1748) (L. D. 1864) Bill "An Act to Clarify the Obligations of Certain Public Utilities Regarding Assessments to Defray Expenses of the Public Utilities Commission" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-772)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 8, under 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:

(S. P. 673) (L. D. 1777) Bill "An Act Relating to Winter Closing of Town Ways"

(S. P. 697) (L. D. 1833) Bill "An Act to Amend the Provisions of the Maine Certificate of Need Act Governing the Issuance of an Emergency Certificate of Need"

(H. P. 1598) (L. D. 1709) Bill "An Act Concerning the Category of Modified Antique Autos under the Motor Vehicle Statutes" (C. "A" H-764)

(H. P. 1613) (L. D. 1723) Bill "An Act to Clarify Procedures Involved with the Municipal

Shellfish Conservation Program" (C. "A" H-766)

(H. P. 1737) (L. D. 1855) Bill "An Act Providing for the Election of a Deputy Moderator at Town Meetings" (C. "A" H-768)

(H. P. 1650) (L. D. 1759) Bill "An Act to Authorize a Bond Issue for Franklin County for the Construction of a New Detention Facility"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

#### Passed to be Engrossed

Bill "An Act to Increase Real Estate Broker and Salesman License and Examination Fees" (S. P. 705) (L. D. 1841)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed in concurrence.

#### Amended Bill

##### Tabled and Assigned

Bill "An Act to Authorize Cutting of Trees on State Park Lands" (H. P. 1623) (L. D. 1733) (C. "A" H-754)

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

On motion of Mr. Hall of Sangerville, tabled pending passage to be engrossed and specially assigned for Monday, February 11.

#### Passed to be Enacted

An Act to Expand the State's Program to Promote Apprenticeships (H. P. 1617) (L. D. 1727)

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

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I noticed this bill yesterday when it came on your desks printed as an enactor and I hope everybody is aware that it does carry roughly a \$17,000 appropriation.

I am sure the program is worthwhile and I am sure that more administrators would probably make the program better administered, but I think perhaps with this bill and with others that we will be seeking in the next few weeks, it is time for this House to make a decision here rather than simply sending everything to sit on the famous table at the other end of the hall.

I would ask for 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. Those in favor 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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Bachrach, Baker, Beaulieu, Berube, Birt, Blodgett, Boudreau, Brodeur, Brown, K.C.; Carter, D.; Chonko, Cloutier, Connolly, Cox, Cunningham, Davies, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, LaPlante, Leonard, Lewis, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, Michael, Mitchell, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Post, Reeves, P.; Rolde, Rollins, Sewall, Simon, Soulas, Sprowl, Theriault, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Benoit, Bordeaux, Bowden,

Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Curtis, Damren, Davis, Dellert, Drinkwater, Dudley, Fenlason, Gavett, Gillis, Gowen, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Prescott, Reeves, J.; Roope, Sherburne, Small, Smith, Stetson, Stover, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Barry, Berry, Brannigan, Brennerman, Carroll, Garsoe, Hughes, Jalbert, Joyce, McSweeney, Nadeau, Silsby, Strout, Tierney.

Yes, 78; No, 59; Absent, 14.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-nine in the negative, with fourteen being absent, the bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

#### Orders of the Day

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

Bill, "An Act to Permit Participating Local Districts of the Maine State Retirement System to Amend Retirement Benefits for Policemen and Fire Fighters Prospectively" (H. P. 1665) (L. D. 1774)

Tabled — February 6, 1980 by Mr. Jalbert of Lewiston.

Pending — Motion of Mr. Tuttle of Sanford to Indefinitely Postpone Bill and accompanying papers (Roll Call ordered)

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask that this be tabled two days awaiting the Attorney General's decision.

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending the motion of the gentleman from Sanford, Mr. Tuttle, to indefinitely postpone the bill and accompanying papers and specially assigned for Monday, February 11.

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

Bill, "An Act to Establish the Boundary between Rockport and Rockland" (S. P. 658) (L. D. 1698) (S. "A" S-403)

Tabled — February 6, 1980 by Mr. LaPlante of Sabattus.

Pending — Passage to be Engrossed.

On motion of Mr. LaPlante of Sabattus, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Require that Children who are under 15 years of Age Wear Helmets when they are Passengers on Motorcycles" (H. P. 1590) (L. D. 1700) which was tabled earlier in the day pending a ruling from the Chair regarding germaneness of the amendment.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, requested that the Chair rule on the germaneness of the amendment, and the Chair would advise the gentleman from Lewiston, Mr. Jacques, and members of the House, that during the legislative session last year, the first regular session, there were three L. D.'s which dealt with this question.

First, L. D. 969, Bill "An Act to Amend the Law Regarding Decibel Levels of Motorcycle Mufflers." L. D. 858, Bill "An Act to Provide for the Registration of Off-road Motorcycle Type Vehicles" and L. D. 123, Bill "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors" and the Chair would advise the gentleman that the legislation with which we are now dealing deals with persons under the age of 15. The bill that

was dealt with during the last session dealt with people under the age of 18; therefore, the Chair would rule that the amendment that was adopted by the Senate is, in fact, germane.

The motion to recede and concur is in order.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I had less problem with the bill when they put the amendment on about the helmets on the youngsters riding the trail bikes since the only death we had was in the particular area last year.

There is a portion of that which I would like to get somebody, perhaps from the Judiciary Committee, to answer since they would have more expertise than I. If they would take out that particular amendment, filing number S-410, it states: "No operator of a motorcycle or a motor driven cycle nor parent nor guardian may allow a passenger under the age of 15 years to ride in violation of this section."

To me, that particular paragraph is rather confusing. One, you have said that the operator of a motorcycle on the road—what you are saying, is liable, and then you turn around and say that parents and guardians are also liable in that particular case. I think what is trying to be said is that parents of a child riding an off-road motorcycle would be liable but in that particular case there is no passenger on an off-road motorcycle because they are not designed to carry passengers. So this is rather confusing to me, and I am wondering how the Judiciary would take a look at this—how would you go into court with this particular liability? I would like to have an answer on that before you pass that bill, because I do figure that we have a problem right in that area.

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: Contrary to popular belief, I am not a lawyer. However, I am a member of the Judiciary Committee and so I am pleased to rise to respond to the question of my friend from Limestone, Mr. McKean.

It is my opinion that if this language is ambiguous and if it is not repaired at some point in the legislative process, a court, in construing it, would rely on the exposition given to it by members of the Transportation Committee who supported this and who expounded it in the two bodies of the legislature.

Therefore, Mr. Speaker, I would in turn ask members of the committee who support the bill with the amendment to give us their interpretation of it with the understanding that a court may, at some point, rely on this in construing this statute.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

MR. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I voted for this bill the first time around, but when I look at the amendment, there is something that concerns me a great deal and that is in the first paragraph of the amended section which says that every person under the age of 15 years who rides as a passenger on a motorcycle or a motor driven cycle or in a sidecar attached to a motorcycle or motor driven cycle or who operates, and this is the important part, an off-road motorcycle or a motor driven cycle does that mean that if a family has a child, for example, who was riding an off-road vehicle, such as a dirt bike or something of that nature on their own property, is subject to the law? If so, I guess I am not in favor of the legislation as amended because I think that is really getting into people's personal freedoms and rights when we start coming onto their own property and telling them what to do.

I certainly support the concept of youngsters having to wear helmets, but when we have the state police or any other law enforcement agency coming onto private property and enforcing this legislation on private property,

that is where I have a real problem. If anybody would like to respond to that concern, I would certainly like to hear that response.

Thereupon, the House voted to recede and concur.

#### (Off Record Remarks)

On motion of Mr. Jacques of Waterville, Adjourned until nine o'clock tomorrow morning.