

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE

March 13, 1981

Senate called to order by the President.

Prayer by the Reverend John Dunn, Jr., of the First Baptist Church in Dexter.

Reverend DUNN: Our Father, we are grateful for this beautiful day. We are thankful for a chance to be together here to serve one another, the people of this State, and to serve You, our Creator and Redeemer. We thank You, Lord, for the freedom and prosperity that we enjoy in America. We thank You for the right to govern ourselves, and ask that You would help us to be responsible citizens, and servants of the people. Help us to love and serve one another, and by so doing, express our love for You. Thank You for this chance to be together, to participate in the affairs of this day. We ask You to bless each one that is present here. Watch over their loved ones and keep them safe from harm. Prosper them in the things that they do. We are grateful for their many efforts on our behalf, and on Your behalf. We give You thanks through Jesus Christ, our Lord. Amen.

Reading of the Journal of yesterday.

Papers from the House

Non-concurrent Matter

Bill, An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee. (H. P. 63) (L. D. 97)

In the House, March 2, 1981, Passed to be Engrossed as amended by House Amendment "A" (H-65).

In the Senate, March 4, 1981, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body Having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I move the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move the Senate Recede and Concur and when the vote is taken it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of a least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, to just very briefly wrap this item up, I would state that to vote against the motion to Recede and Concur, kills this Bill. All this Bill does is requests an additional \$5 in fees, which will allow inspectors from the Department of Human Services to be able to inspect the eating places throughout the State. A denial of this \$5 is going to mean a loss of perhaps as many as six inspectors. I think it's extremely important that the people of this State are guaranteed the inspection of these restaurants.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: I would like to call the members' attention to a letter that has been put on their desks. They should all have it, they may not have had a chance to read it, from Governor Joseph E. Brennan, addressing the issue. I would hope that they would go along

with Senator Conley's motion.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President and Members of the Senate, I also would like to call your attention to the letter by the Governor. I think this is such an important piece of legislation that the Governor has chosen to take his time to send each and every one of us a letter in regard to it. He does state in the letter that before President Carter left office, he had proposed to rescind the appropriation of the 314D funds that are being used by the Department of Human Services to supplement their sanitarians. It says here, while, President Reagan has deferred action on that proposal, there is every reason to believe that the Federal funds will not be available beyond September 30th of 1981.

I have before me part of the budget of the Department of Human Services in that regard. It says, that at the ending balance of fiscal year '81, they will still have in that account \$25,876. Since the Performance Audit Committee is dealing with this issue, they will be coming out with a report as to the needs of the sanitarians, how many we need, what functions they perform, what they're doing for their money.

I think that we should defer this, let this Bill die right now, wait for a report from Performance Audit Committee. We will have from September 30, if it's true that these funds will be rescinded on that day, until January 1. I maintain that the Department, within the policy of the Department, can use their sanitarians to examine the restaurants that are in jeopardy, are in trouble. Nobody is going to be hurt. If I felt for one minute that there would be someone hurt in the State, I would vote for a fee increase at this time. I don't feel for one minute that anyone will. I would suggest that we wait for the Performance Audit, and let this Bill die.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you. I have that report also, from the Department, about the \$25,000 that the good Senator from Cumberland, Senator Gill, has. I would like to just draw your attention to the fact that when you're talking about dedicated revenues, and you're talking about fees, you have to collect those fees. Those fees are collected at different times during the year when those inspections and the licenses are issued. That means that you have to carry some kind of a balance. I think \$25,000 is little enough of a balance to carry.

The other point that I would like to make, without belaboring the issue, because I think we've heard it long and hard enough, is the fact that 314D monies, no matter how you cut it, are still taxpayers' dollars. When we're talking about dedicated revenues, as I understand it, it's supposed to be the industry, or the person that's benefiting that's supposed to pay that fee. If the taxpayers are paying the fee on 314D monies, then the restaurants and the eating establishments are not paying it. Therefore, if we need those monies, which I sincerely believe that we do, to have adequate inspections, then we should increase the fee, and not ask the taxpayers to also foot the bill.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, O'Leary, Pray, Sutton, Trafton, Troitzky, Usher, Violette, Wood.

NAY — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Teague.

ABSENT — None.

A Roll Call was had.

17 Senators having voted in the affirmative and 15 Senators in the negative, with No Senators being absent the motion to Recede and Concur does prevail.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, having voted on the prevailing side, I now move Reconsideration and I would urge you to vote against my motion.

The PRESIDENT: The pending question before the Senate is Reconsideration.

Will all those Senators in favor of Reconsideration, please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote be had, the motion to Reconsider does not prevail.

Non-concurrent Matter

Bill, "An Act to Establish a Revolving Fund for the Maine State Library." (S. P. 185) (L. D. 463)

In the Senate, March 9, 1981, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-92), in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

Non-concurrent Matter

Bill, "An Act to Establish a Sign on the Maine Turnpike for the University of Southern Maine." (S. P. 212) (L. D. 577)

In the Senate, March 9, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-34)

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-34) as amended by House Amendment "B" (H-95) Thereto, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Michael J. Sayward of Farmington, who is representing the State on the Junior National Ski Team, Class 1, Nordic Combined. (H. P. 1075)

Chris Bean of Farmington, who is representing the State on the Junior National Ski Team, Class 1, Cross Country. (H. P. 1076)

Mrs. Sarah Staples of North Vassalboro, who observed her 90th birthday on February 21, 1981. (H. P. 1077)

Elizabeth Merrifield of Sanford, the youngest elected member of the Sanford Town Meeting. (H. P. 1078)

Ruth Barberie of Sanford, who is retiring after 10 years of faithful service in the Sanford Town Clerk's Office. (H. P. 1079)

Kristin Spath of Fort Kent, who has been selected as an Outstanding Young Woman of America. (H. P. 1080)

David Bernerson, Unit Director of the Maine Youth Center, winner of the Jefferson Award for greatest public service performed by an individual. (H. P. 1081)

Roland H. Carlton of Woolwich, who has retired from the Bath Iron Works after 25 years of service. (H. P. 1082)

Leroy K. Hawes of Woolwich, who has retired from the Bath Iron Works after 38 years of service. (H. P. 1083)

Come from the House, Read and Passed. Which were Read and Passed, in concur-

rence.

House Papers

Bill, "An Act to Appropriate Funds to Upgrade Facilities of the Maine Center for the Blind." (H. P. 997) (L. D. 1196)

RESOLVE, Appropriating Funds for Attorneys' Fees and Costs in the Case of *Thiboutot v. Maine*. (Emergency) (H. P. 1032) (L. D. 1220)
Come from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Increase Certain Fees under the Funeral Directors and Embalmers Law." (H. P. 999) (L. D. 1197)

Bill, "An Act to Require Minimum Safety Requirements in the Construction and Installation of Heating Apparatus." (H. P. 1000) (L. D. 1200)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which were referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act to Repeal the Teacher Certification Law." (H. P. 1001) (L. D. 1198)

Bill, "An Act Concerning Tuition Reimbursement to Private Schools." (H. P. 1002) (L. D. 1199)

Come from the House, referred to the Committee on Education and Ordered Printed.

Which were referred to the Committee on Education and Ordered Printed, in concurrence.

Bill, "An Act to Prohibit Registration within 72 Hours of an Election." (H. P. 1003) (L. D. 1201)

Comes from the House, referred to the Committee on Election Laws and Ordered Printed.

Which was referred to the Committee on Election Laws and Ordered Printed, in concurrence.

Bill, "An Act to Clarify the Permit Requirements for Large Hydroelectric Projects and to Protect Environmental Values." (H. P. 1006) (L. D. 1202)

Bill, "An Act to Limit the Storage of Spent Fuel at Nuclear Reactors." (H. P. 1007) (L. D. 1203)

Come from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which were referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act Concerning the Payment of Burial Expense for Certain State Wards." (H. P. 1008) (L. D. 1204)

Bill, "An Act Concerning Review of Fees for Providers under the Medical Assistance Program." (H. P. 1009) (L. D. 1205)

Come from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which were referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

Bill, "An Act to Limit Liability Regarding Donations to Food Banks." (H. P. 1010) (L. D. 1206)

Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E. Crime." (H. P. 1011) (L. D. 1207)

Come from the House, referred to the Committee on Judiciary and Ordered Printed.

Which were referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Communication Senate Chamber President's Office

March 12, 1981

The Honorable Howard M. Troitzky
The Honorable Laurence Connolly, Jr.
Chairmen, Joint Standing
Committee on Education

State House
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating William C. Hughes of Brewer and Peter A. Cloutier of South Portland for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P&SL Chapter 37, these nominations 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

(S. P. 451)

Which was Read and Referred to the Committee on Education.

Sent down for concurrence.

Senate Papers

Senator KERRY of York (Cosponsors: Senator COLLINS of Knox, Representative BRENNAN of Portland and Representative DEXTER of Kingfield) presented Bill, "An Act to Establish a Fund to Implement the Hazardous Waste Program in Lieu of a General Fund Appropriation." (S. P. 447)

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

Senator DEVOE of Penobscot presented, Bill, "An Act to Amend Certain Aspects of Post Conviction Review." (S. P. 443)

The same Senator presented, Bill, "An Act to Amend the Criminal Code and Related Criminal Laws." (S. P. 444)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Senator TRAFTON of Androscoggin (Cosponsor: Representative McGOWAN of Pittsfield) presented, Bill, "An Act to Help Identify Lobbyists." (S. P. 445)

Senator COLLINS of Knox (Cosponsor: Representative MITCHELL of Vassalboro) presented, Bill, "An Act Concerning Legislative Services." (S. P. 446)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Senator WOOD of York presented, Bill, "An Act to Provide a Tax Exemption for Post-secondary Education Payments." (S. P. 442)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

Westbrook High School Girls' Basketball Team, coached by Archie Manooogian, 1981 Western Maine Class A Champions, their 4th consecutive Title. (S. P. 448) presented by Senator USHER of Cumberland (Cosponsors: Representative CARRIER of Westbrook, Representative DAY of Westbrook and Representative BROWN of Gorham).

Mrs. Annette B. Stevens of Waterville, who has been named Maine Mother of the Year for 1981. (S. P. 449) presented by Senator PIERCE of Kennebec (Cosponsors: Representative JACQUES of Waterville, Representative KANY of Waterville and Representative

FITZGERALD of Waterville).

Judy Footer of South Harpswell, who has been named Miss Maine USA for 1981. (S. P. 450) presented by Senator CLARK of Cumberland (Cosponsor: Representative DILLENBACK of Cumberland).

Which were Read and Passed.
Sent down for concurrence.

Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act Relating to Affixing of Indicia of Payment of Real Estate Transfer Tax of Deeds." (H. P. 582) (L. D. 662)

Bill, "An Act to Repeal Portions of the Excise Tax Law." (H. P. 646) (L. D. 736)

Bill, "An Act to Create a Wholesale Shellfish License." (H. P. 473) (L. D. 533)

Leave to Withdraw

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Provide for the Retirement of Forest Rangers in Fire Control Work after 20 Years of State Service." (H. P. 716) (L. D. 848)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act to Amend the Statutes Relating to Teacher Tenure." (H. P. 704) (L. D. 828)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act to Require that Energy Conservation Courses be Taught in Public Schools." (H. P. 737) (L. D. 875)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act to Amend the Authority Governing License Fees of Victualers." (H. P. 604) (L. D. 681)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Repeal Drag Limits in Blue Hill Bay." (H. P. 475) (L. D. 525)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Energy and Natural Resources on, Bill, "An Act to Create a Lake Restoration and Protection Financial Aid Program." (H. P. 551) (L. D. 627)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

The Committee on Energy and Natural Resources on, Bill, "An Act to Conform and Strengthen the Law Concerning the Burning of Debris." (H. P. 550) (L. D. 626)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

The Committee on Energy and Natural Resources on, RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in Certain Public Lands in Milford, Penobscot County. (H. P. 315) (L. D. 345)

Reported that the same Ought to Pass.

Comes from the House, the Resolve Passed to be Engrossed.

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1981. (Emergency) (H. P. 1030) (L. D. 1195)

Reported Pursuant to Joint Order (H. P. 264) that the same Ought to Pass.

Comes from the House, the Resolve Passed to be Engrossed.

Which Reports were Read and Accepted and the Bills and Resolves Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act to Provide for Determination of the Engineering Feasibility and the Environmental and Economic Effects of the Cobscook Bay Tidal Power Project" (H. P. 552) (L. D. 628)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-83).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Transportation on, RESOLVE, Designating the Picnic Area on State Route 23 in Dexter as the Harold Keyte Memorial Picnic Area. (H. P. 695) (L. D. 809)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-82).

Comes from the House, the Resolve Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, and the Bill and Resolve Read Once. Committee Amendment "A" were Read and Adopted, in concurrence, and the Bill and Resolve, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Permit Blood Specimens to be Taken to Determine Blood-Alcohol Level Without the Defendant's Consent when the Defendant is Unconscious or Unable to Give Consent." (H. P. 274) (L. D. 306)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

Representatives:

HOBBINS of Saco
DRINKWATER of Belfast
REEVES of Newport
O'ROURKE of Camden
BENOIT of So. Portland
CARRIER of Westbrook
LIVESAY of Brunswick
SOULE of Westbrook
LUND of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

JOYCE of Portland

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which Reports were Read.

The Majority Ought Not To Pass Report of the Committee Accepted.

Senate Ought to Pass

Senator Brown for the Committee on Aging, Retirement and Veterans on, Bill, "An Act Concerning Retirement and Benefits for State Employees Returning to Work after Attaining the Age of 60." (S. P. 299) (L. D. 843)

Reported that the same Ought to Pass.

Senator Brown for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to

Amend the Group Life Insurance Program for State Employees and Teachers." (S. P. 301) (L. D. 845)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once and Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House — As Amended

Bill, "An Act to Establish a Maine Set-aside Program under the State Purchasing Law to Expand Work Opportunities for Multiple Handicapped Citizens." (H. P. 224) (L. D. 261)

Which was Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

AN ACT Concerning Intestate Estates. (H. P. 557) (L. D. 632)

AN ACT Relating to the Excise Tax Transfer Fee and Excise Tax Maximum. (H. P. 533) (L. D. 599)

AN ACT to Abolish the Panel of Physicians under the Workers' Compensation Act. (H. P. 525) (L. D. 591)

AN ACT to Include Industrial and Medical Gas Installations as Personal Property Employed in Trade under Exceptions for Purposes of Personal Property Taxes. (H. P. 403) (L. D. 446)

AN ACT to Provide for Reciprocity with other States under the Cosmetology Statutes. (H. P. 370) (L. D. 408)

AN ACT Relating to the Size of Scallop Drags in Certain Coastal Waters. (H. P. 329) (L. D. 356)

AN ACT Relating to Boilers and Pressure Vessels and their Operation. (H. P. 325) (L. D. 353)

AN ACT to Amend Current Law to Limit Additional Fees Charged to Handicapped Persons for special Motor Vehicle License Plates that Display Handicapped Symbols. (H. P. 297) (L. D. 327)

AN ACT to Modify Certain Rules of the Road to Conform with the Uniform Vehicle Code. (H. P. 32) (L. D. 37)

AN ACT to Clarify Certain Provisions of the Municipal Election Laws. (S. P. 150) (L. D. 358)

AN ACT Pertaining to Election Officials. (S. P. 156) (L. D. 364)

Which were Passed to be Enacted and having been signed by the President were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the First Tabled and specially assigned matter:

"Bill, An Act Concerning the Size of Exempt Lots under the Subdivision Laws." (S. P. 141) (L. D. 312)

Tabled—March 12, 1981 by Senator COLLINS of Knox.

Pending—Consideration

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, will you ask the Secretary to please read the report of the Committee.

The Committee Reports were Read.

The PRESIDENT: The Senator has the floor. Senator O'LEARY: Thank you, Madam Secretary. Mr. President, I now move that the Senate Recede from its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Recede from its action whereby this Bill was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator O'LEARY: I believe now that House Amendment "A" would be before us.

The PRESIDENT: The Chair would advise the Senator that the House Amendment would have to be read, if it is to be before us.

House Amendment "A" (H-85) was Read.

The PRESIDENT: The Senator has the floor.

Senator O'LEARY: Mr. President, I now present Senate Amendment "B" to House Amendment "A" to L. D. 312, under filing S-43 and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary now offers Senate Amendment "B" to House Amendment "A" and move its adoption.

Senate Amendment (S-43) was Read.

The PRESIDENT: The Senator has the floor.

Senator O'LEARY: Mr. President and Members of the Senate, House Amendment "A" places a prohibition on the erection of any structure on wood lots of between 20 and 40 acres for a period of 5 years. It also prohibits the subdividing of these wood lots for the same period of time.

Senate Amendment "B" to House Amendment "A" would restrict the dividing of these wood lots or the erection of any building unless approval was granted under the LURC's sub-division laws. The last sentence of Senate Amendment "B" is necessary so that the deed would show that these wood lots were created under this exemption.

Let us keep in mind that we are talking about large parcels of land. The average city house lot is approximately 100 x 100, or 10,000 square feet. 20 acres of land is equivalent to 3 football fields, in depths and a rectangle of 900 feet on each side. That is still not 20 acres. It would be an additional 60,000 square feet over.

The restrictions in this amendment which would require sub-division approval if any change is made in the use of the land, provides adequate safeguards while at the same time it eliminates unnecessary restrictions on these woodlots.

The adoption of this amendment will allow many Maine families, who have been forced to use wood to heat their homes, to buy a wood lot at a reasonable cost for their own wood. If they had to apply under the sub-division laws it would increase the cost at least another 33% and these figures came from the Department of Conservation this morning.

The Senate members of the committee all voted for the original Bill which simply said, any piece of land over 20 acres was not a lot for sub-division purposes. This amendment with its additional restrictions will hopefully eliminate the objections that some Legislators had expressed about the original Bill. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I wonder if I could pose a question through the Chair to the Senator from Oxford, Senator O'Leary with respect to this Amendment. When he mentioned the fact of no structure may be erected, there's a very essential word that he left out, and it says, "no residential structure." I just wonder, when it comes to commercial or industrial development, why this Amendment shouldn't just say, no structure may be erected, rather than zeroing in on, no residential structure.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I'm afraid I don't have all the answers to my good leader's questions, but this was the direction I was taking in this Amendment.

On motion by Senator Huber of Cumberland, tabled for 2 Legislative Days pending adoption of Senate Amendment "B" to House Amendment "A".

The President laid before the Senate the

Second Tabled and specially assigned matter:
 Bill, "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law." (S. P. 51) (L. D. 60)
 Tabled—March 12, 1981 by Senator COLLINS of Knox.

Pending—Consideration

On motion by Senator Huber of Cumberland, Retabled for 2 Legislative Days.

The President laid before the Senate the Third Tabled and specially assigned matter:
 Joint Order—Expressions of Legislative Sentiment recognizing John Baptist High School Girls Basketball Team, winners of the State Class D championship for 1980-81 (H. P. 1058)
 Tabled—March 12, 1981 by Senator COLLINS of Knox.

Pending—Passage.

Which was Read and Passed, in concurrence.

The President laid before the Senate the Fourth Tabled and specially assigned matter:
 Bill, "An Act to Increase the Amount of Expenses Which May be Reimbursed to Members of the Inland Fisheries and Wildlife Advisory Council." (H. P. 244) (L. D. 278)

Tabled—March 12, 1981 by Senator USHER of Cumberland.

Pending—Enactment.

On motion by Senator Usher of Cumberland the Senate voted to Suspend its Rules.

The PRESIDENT: The Senator has the floor.

Senator USHER: I move we reconsider our action whereby LD 278 was Passed to be Engrossed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator HICHENS.

Senator HICHENS: I object to Reconsideration, and would like to speak on my motion.

The Chair now recognizes the Senator from York, Senator HICHENS.

Senator HICHENS: Thank you, Mr. President. Mr. President, and Members of the Senate, a couple of days ago, the good Minority Leader, the Senator from Cumberland, Senator Conley, approached me and expressed his concerns over the amount of expenses which might be reimbursed, because we had taken the limit off. I told him I would go along with Reconsideration, if he wanted to have an Amendment put on, to put back the \$3,500, which it had been asked for. Then today, we have an Amendment, which, if we Reconsider this Bill, not only doesn't do that, it cuts it back to the \$2,500 and takes away the per diem. It makes it almost impossible for the people to serve on this committee or Advisory Council with an added member to it.

I think, rather than go through all the procedures of killing this Amendment, we should stop the Reconsideration at this time.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Cumberland, Senator Conley.

Senator CONLEY: Mr. President, and members of the Senate. I had nothing to do with the drafting of that jewel there that that great Senator from Cumberland, who represents the Joint Standing Committee on Fisheries and Wildlife in such an excellent manner. This is his own concoction of an Amendment, and primarily what it does, it does remove apparently the \$25 per diem.

If anybody's in their right mind in this Senate, they obviously know that these fellows that these fellows that are serving on this commission would gladly pay the Senate, would gladly pay the State, to have that honor of serving on his commission.

The fact is that we're only going to give them \$3,500 in expenses, or \$2,500 in expenses for a commission that only meets, under the statutes, anyway, twice a year, doesn't seem to be too tight, or too close to the buck. \$2,500, I think there's seven of them throughout the state. I think that's ample funds. Again, if the Amend-

ment that's being proposed by the good Senator from Cumberland, Senator Usher, doesn't meet the approval of the majority, I personally feel that we should at least lock in the openness that is the law, as it reads presently before us. To not have a cap on there could very well really bankrupt the financial desperate straits of the Fish and Game Department.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, Members of the Senate, this Amendment, I object to this Amendment for the simple reason that I pose a question through the Chair as to the germaneness of this Amendment. We're fooling around with something here, that this Bill has been heard, and we came out in the work session with the report. We don't change that, it's enough that the Legislature itself, the Legislature has had mandated that the council approves all the change in rules. So that the council has met six times last year, and not two times, not twice. Six times they met last year. They have to keep going to all these public hearings, in their area, in the Wildlife Management Area where they live. We have mandated that no change in rules be made unless the commissioner hears the advice and consent of the council. Now we're deciding that we're going to change the per diem. Mr. President, I believe this is ridiculous. I request that you check the germaneness of this Amendment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I just love that great man from Somerset, Senator Redmond. I'm not going to speak about the germaneness of the Amendment, seeing that it is not before us. I'll tell you this. I think there's a good reason for putting some kind of an Amendment on this Bill. Last year this great commission, who under the law, under the statutes that we passed that limits them to numbers of dollars, \$2,500 expenses is what they were limited to last year. They actually expended \$39,000, and under whose authority?

Now if you want leave, just go to the book, your enactors, and take a nice look at the way that currently reads, as we're about to bring the hammer down on it, and we'll have a wide open Fish and Game Committee that can go anywhere it wants to go, and do anything it wants to do. Friday afternoon, I get a little tied up, and I'm going to sit down, but I hope we do Table this Bill and do something worthwhile.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, and Members of the Senate, I heard earlier this week the good Senator from Cumberland, Senator Conley speak on this Bill. Basically what he said, I agree with. I heard him speak twice more today on this Bill, and I still basically agree with him. It certainly is not in here what he is talking about. If I could be so bold as to suggest that perhaps the Senator could have an Amendment prepared to do what he wants to do, I will be happy to support him on it. In the meantime, perhaps somebody would Table this Bill for one more day.

On motion by Senator Hichens of York, Tabled for 1 Legislative Day, pending the motion be the Senator from Cumberland Senator Usher.

On motion by Senator Pierce of Kennebec, Adjourned until Monday, March 20, 1981 at 5 o'clock in the afternoon.