

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

KJ PRINTING
AUGUSTA, MAINE

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

April 21, 1981

Senate called to order by the Secretary

The SECRETARY: Is it the pleasure of the Senate that the Senator from Knox, Senator Collins, preside as President Pro-tem?

It is a vote.

The Secretary requested the Sergeant-at-Arms to escort the Senator from Knox, Senator Collins, to the rostrum to assume the duties of President Pro tem.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to the rostrum where he served as President Pro-tem.

Prayer by the Honorable Dana C. Devoe of Orono.

Senator DEVOE: Dear Lord, enkindle in the hearts of each of us the unswerving desire to do Your will. Enlighten our minds, that we may have as a vision the good that we may do for our beloved State. Bestow on each Senator the courage to make the right judgements for the good of all the people. Amen.

Reading of the Journal of Yesterday.

(Off Record Remarks)

Senator Pierce of Kennebec was granted unanimous consent to address the Senate, Off the Record.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

(Off Record Remarks)

**Papers from the House
Non-concurrent Matter**

Bill, "An Act Relating to Radiological Exposure." (H. P. 555) (L. D. 631)

In the House, April 13, 1981, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-194).

In the Senate, April 15, 1981, Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body Having Insisted.

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

Senator GILL: I move that the Senate Adhere.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I move the Senate Recede and Concur.

The PRESIDENT: The Chair will order a Division. Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that the Senate Recede and Concur with the House, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to

Adhere?

It is a vote.

Non-concurrent Matter

Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships." (H. P. 217) (L. D. 254)

In the House, April 9, 1981, the Bill Passed to be Engrossed as amended by Committee Amendment "A". (H-179)

In the Senate, April 15, 1981, Bill and Accompanying Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves that the Senate Adhere.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, I move that we Recede and Concur with the House.

The PRESIDENT: The Senator from Somerset, Senator Redmond, moves that the Senate Recede and Concur with the House.

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

Senator O'LEARY: Mr. President, I would ask for a Division on the motion, and remind this Body that last week we debated this Bill thoroughly. It's no better today than it was last week. I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Somerset, Senator Redmond to Recede and Concur, with the House, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

13 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Is it the proper procedure, can I move Reconsideration?

The PRESIDENT: The Chair would advise the Senator that the only motion that is available at this point would be to Adhere.

The Chair would advise the Senator that the Senator was not on the prevailing side, therefore, the motion to Reconsider is not within his scope.

Senator REDMOND: Mr. President, would it be proper to ask for a Roll Call?

The PRESIDENT: That request on the motion to Adhere would be very much in order. Do you so move?

Senator REDMOND: Right.

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 at 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 pending question before the Senate is the motion by the Senator from Hancock, Senator Perkins, that the Senate Adhere.

A Yes vote will be in favor of the motion to Adhere.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Bustin, Carpenter, Charette, Devoe, Dutremble, Emerson, Gill, Hichens,

Kerry, Minkowsky, O'Leary, Perkins, Pray, Sewall, C.; Shute, Sutton, Teague, Violette.

NAY — Brown, Clark, Collins, Conley, Huber, McBreaity, Najarian, Pierce, Redmond, Trafton, Trotzky, Usher, Wood.

ABSENT — None.

A Roll Call was had.

19 Senators having voted in the affirmative and 13 Senators in the negative, with No Senators being absent, the motion to Adhere does prevail.

Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by adding at the end of Joint Rule 17 the following:

Any legislation filed pursuant to law or resolve shall, at the time of its introduction, bear the designation of the joint standing committee having jurisdiction over the subject matter of that legislation, and shall be introduced in the House of origin of the law or resolve. (H. P. 1347)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

**Joint Resolution
STATE OF MAINE**

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND EIGHTY-ONE

JOINT RESOLUTION MEMORIALIZING
THE HONORABLE JOHN R. BLOCK,
SECRETARY OF AGRICULTURE OF THE
UNITED STATES,
TO GRANT A GENERAL MORATORIUM ON
PRINCIPAL
AND INTEREST PAYMENTS ON FARMERS
HOME

ADMINISTRATION FARM OWNERSHIP
AND OPERATING LOANS OWED BY
BROILER GROWERS IN THE
STATE OF MAINE

We, your Memorialists, the Senate and House of Representatives of the State of Maine now assembled in the First Regular Session of the One Hundred and Tenth Legislature, most respectfully present and petition the Secretary of Agriculture of the United States as follows:

WHEREAS, the broiler chicken industry of the State of Maine is vitally important to the economy of the whole State and in 1979 ranked thirteenth in production among the fifty states and represents twenty percent of the cash farm income of all Maine farmers; and

WHEREAS, the broiler industry of the State of Maine is facing a major economic crisis and, as a result, the number of broiler growers is being sharply reduced due to closings or reductions in operations in broiler processing plants in the State, threatening the livelihood of these growers and their families; and

WHEREAS, Maine broiler growers currently are indebted to the Farmers Home Administration for \$15,000,000 in farm ownership loans and \$3,000,000 in operating loans; and

WHEREAS, the present crisis in the state's broiler industry renders it difficult, if not impossible, for Maine broiler growers to make timely payments on their Farmers Home Administration indebtedness; now, therefore, be it

RESOLVED: That we, your Memorialists, hereby respectfully urge and petition the Secretary of Agriculture of the United States, by the power vested in him by the Congress of the United States under the United States Code, Title 5, Section 301, to grant a general moratorium, or other such relief, on the payment of principal and interest on Farmers Home Administration farm ownership loans and operating loans owed by broiler growers in the State of Maine for a period of twelve months, unless, due to individual circumstances, a shorter period is deemed appropriate; and be it further

RESOLVED: That a duly authenticated copy of this Memorial be immediately submitted to

the Honorable John R. Block, Secretary of Agriculture of the United States. (H. P. 1357)

Comes from the House, Read and Adopted. Which was Read and Adopted, in concurrence.

**Communications
Senate Chamber
President's Office**

April 16, 1981

Honorable Dana C. Devoe
Honorable Barry J. Higgins
Chairmen, Joint Standing
Committee on Judiciary
State House
Augusta, Me.

Please be advised that Governor Joseph E. Brennan is nominating Roland A. Cole of Wells for appointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 574)

Which was Read and referred to the Committee on Judiciary.
Sent down for concurrence.

**Senate Chamber
President's Office**

April 17, 1981

Honorable Howard M. Trotzky
Honorable Laurence E. Connolly, Jr.
Chairmen, Joint Standing
Committee on Education
State House
Augusta, Me.

Please be advised that Governor Joseph E. Brennan is nominating Stanley J. Evans of Bangor for reappointment to the University of Maine Board of Trustees.

Pursuant to Title 20 MRSA Section 2251, 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
(S. P. 575)

Which was Read and referred to the Committee on Education.
Sent down for concurrence.

Senate Paper

Senator O'LEARY of Oxford (Cosponsors: Representative MASTERTON of Cape Elizabeth and Representative HALL of Sangerville) presented, Bill, "An Act to Enable the State of Maine to Fund Waste Water Treatment Systems in the Event Federal Funds are not Included or Limited in Future Federal Budgets." (S. P. 573)

(Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

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

Sent down forthwith for concurrence.

**Committee Reports
House**

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

Bill, "An Act Making Appropriations from the General Fund for Teachers' Retirement and Eliminating Certain Programs Funded from the General Fund." (Emergency) (H. P. 616) (L. D. 708)

Leave to Withdraw

The Committee on Labor on, Bill, "An Act to Stabilize the Maximum Weekly Benefit under the Workers' Compensation Act." (H. P. 709) (L. D. 834)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Provide Equality Between Home Improvement Loans and Other Consumer Credit Loans." (Emergency) (H. P. 543) (L. D. 619)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-209)

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

The Committee on Health and Institutional Services on, Bill, "An Act to Require Interagency Licensing of Residential Facilities and Programs for Children." (H. P. 232) (L. D. 269)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-212).

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

The Committee on Taxation on, Bill, "An Act Concerning the List Price of Vehicles under the Excise Tax Laws." (H. P. 759) (L. D. 895)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-210).

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

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

The Committee on Legal Affairs on, Bill, "An Act to Revise the Maine State Lottery." (Emergency) (H. P. 293) (L. D. 337)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-202)

Comes from the House, Bill and Accompanying Papers Indefinitely Postponement.

Which Report was Read.

The PRESIDENT: Is it the pleasure of the Senate to Accept the Ought to Pass, as amended, Report of the Committee?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: This was a unanimous report out of the Legal Affairs Committee. After the Bill did reach the floor of the House, we found the Governor wasn't very much in favor of the Bill. What the Bill did was revise the Lottery Commission. Although there was some reservation by the Committee on revising the Commission, we felt the Governor probably was in favor of the Bill. Later we found out he was not too much in favor of it.

So I would move Indefinite Postponement.

On motion by Senator Shute of Waldo, the Bill and accompanying papers Indefinitely Postponed, in concurrence.

The Committee on Taxation on, Bill, "An Act Relating to the State Valuation of the Town of Easton." (H. P. 688) (L. D. 802)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-218)

Comes from the House, Bill and Accompanying Papers Committed to the Committee on Appropriations and Financial Affairs.

Which Report was Read and Accepted, in nonconcurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, in non-concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Requiring Protective Headgear for Motorcycle Riders." (H. P. 414) (L. D. 453)

Reported that the same Ought Not to Pass. Signed:

Sensors:

EMERSON of Penobscot
O'LEARY of Oxford
USHER of Cumberland

Representatives:

MOHOLLAND of Princeton
HUNTER of Benton
REEVES of Pittston
FOWLIE of Rockland
HUTCHINGS of Lincolnville
MACOMBER of South Portland
STROUT of Corinth
McKEAN of Limestone

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

Signed:

Representatives:

CARROLL of Limerick
McPHERSON of Eliot

Comes from the House, Bill and Accompanying Papers Indefinitely Postponed.

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee was Accepted.

Senate

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

Bill, "An Act Relating to Punative Damages in Wrongful Death Actions." (S. P. 250) (L. D. 717)

Leave to Withdraw

Senator GILL for the Committee on Health and Institutional Services on, Bill, "An Act to Amend the Maine Generic Drug Statute." (S. P. 516) (L. D. 1438)

Reported that the same be granted Leave to Withdraw.

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Establish a Remedy for Illegal Evictions." (S. P. 152) (L. D. 360)

Reported that the same be granted Leave to Withdraw.

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Clarify the Security Deposit Law." (S. P. 348) (L. D. 991)

Reported that the same be granted Leave to Withdraw.

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act Establishing Minimum Heating Standards for Rented Residential Dwelling Units." (S. P. 143) (L. D. 314)

Reported that the same be granted Leave to Withdraw.

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Permit Violations of the Warranty of Habitability to be Asserted in Landlord-Tenant Disputes." (S. P. 142) (L. D. 313)

Reported that the same be granted Leave to Withdraw.

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Prohibit Unconscionable or Exploitative Residential Rental Agreements." (S. P. 357) (L. D. 1032)

Reported that the same be granted Leave to Withdraw.

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Prohibit Subliminal Advertising." (S. P. 465) (L. D. 1321)

Reported that the same be granted Leave to

Withdraw.

Which Reports were Read and Accepted.
Sent down for concurrence.

Ought to Pass

Senator HICHENS for the Committee on Health and Institutional Services on, Bill, "An Act to Include Health Education for the General Public as a Medical Education Program Conducted by the Board of Registration in Medicine." (S. P. 484) (L. D. 1386)

Reported that the same Ought to Pass.

Senator HICHENS for the Committee on Health and Institutional Services on, Bill, "An Act Concerning Approval of Graduate Educational Programs by the Board of Registration in Medicine." (S. P. 487) (L. D. 1389)

Reported that the same Ought to Pass.

Senator KERRY for the Committee on Judiciary on, Bill, "An Act to Provide the Supreme Judicial Court with Rule-making Authority over Court Records and Certain Abandoned Property." (S. P. 506) (L. D. 1433)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Senator KERRY for the Committee on Judiciary on, Bill, "An Act to Amend Certain Aspects of Post-Conviction Review." (S. P. 443) (L. D. 1281)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-126).

Senator KERRY for the Committee on Judiciary on, Bill, "An Act Concerning the Investigative Authority of the Attorney General and Related Provision." (S. P. 507) (L. D. 1434)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-127).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

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

Senator TEAGUE: I think I was a little bit late on L. D. 802, and would move that we Reconsider whereby this Bill was to be given its Second Reading tomorrow.

The PRESIDENT: The Chair would advise the good Senator from Somerset, Senator Teague, that the bill is in a no-touch situation at this point. It's been assigned its Second Reading tomorrow, which is the same thing as Tabled. Any action would have to be taken tomorrow, or rather next Monday.

(Off Record Remarks)

Second Readers

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

House — As Amended

Bill, "An Act to Amend the Site Location Law." (H. P. 935) (L. D. 1105)

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

RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6, "Erosion Control on Logging Jobs." (H. P. 454) (L. D. 501)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Amend the Consumer Loan Agreements Law." (S. P. 318) (L. D. 908)

Bill, "An Act Relating to Interest Rates upon Refinancing of Loans under the Maine Consum-

er Credit Code and Making other Clarifications of the Maine Consumer Credit Code." (S. P. 228) (L. D. 615)

Bill, "An Act to Exempt Certain Signs from the Billboard Law." (S. P. 378) (L. D. 1136)

Bill, "An Act to Establish Minimum Standards for Medicare Supplement Insurance Policies." (S. P. 175) (L. D. 455)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Bill, "An Act to Bring the Maine Traveler Information Services Act into Conformity with the United States Constitution." (Emergency) (S. P. 427) (L. D. 1249)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

Bill, "An Act to Conform the Maine Consumer Credit Code to the Federal Truth-in-Lending Simplification and Reform Act." (S. P. 94) (L. D. 213)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" under filing number S-125 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" to L. D. 213 and moves its Adoption.

Senate Amendment "A" (S-125) was Read and Adopted.

On motion by Senator Pierce of Kennebec, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A" to L. D. 213.

The PRESIDENT: The Senator has the floor.

Senator PIERCE: Mr. President, I now present Senate Amendment "B" under filing number S-128 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "B" (S-128) to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S-128) to Committee Amendment "A" was Read and Adopted. Committee Amendment "A" as amended by Senate Amendment "B" was Adopted. The Bill, as amended, was Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act to Provide for a Special Hunting Season on Bear During the 2nd Week in November." (S. P. 52) (L. D. 61)

Which was Read a Second Time.

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

Senator CONLEY: Mr. President, I would move that this Bill and all its accompanying papers be Indefinitely Postponed. When the vote is taken, I request 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 at 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 Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: This issue was fairly well discussed the other day. I just want to refresh your memory about a couple of things.

First of all, I hope you've taken the time to read all the material, both sides, which has been put out on your desks this afternoon. I told the people who were lobbying this Bill that I looked really hard all weekend for some rea-

sons to vote against them. The Commissioner of Inland Fisheries and Wildlife is a very, very close friend of mine, a personal friend, as well as a political friend, and now a governmental friend, if you will. I've looked for a reason to support him on this and I haven't found it yet.

If you look at what has happened as far as the spring season is concerned, I do not agree with the idea of spring hunting of bear, I want to make sure that everybody, the camp owners and Guides' Association understands that, which I think they do. I don't see this as a hunting question even. I see this as purely a matter of equity, a matter of business. They held hearings last fall, the early part of the winter. At that time there was a 5 to 3 Advisory Council vote in favor of a spring season. Keep those figures in mind, 5 to 3. They left that meeting. The camp owners, the guides went ahead and made their plans. They have always had a spring season. The Advisory Council told them 5 to 3 they were going to have a spring season this year, rightly or wrongly.

In February, after the Attorney General's office had declared the first meeting invalid, in February, the Commissioner put out a press release saying: "We think we have some problems with the dates of the seasons," plural, and "we're going to have to have some more hearings." Still no indication that there would be no season. The press release, which I looked up this afternoon, which was issued the 3rd of February said: "we have some problems with the dates of the seasons," plural. If you don't have the spring season, you only have one season. That's the fall. So the indication from the advertisement, which is attached to the thing I put on your desks this afternoon, the way it was advertised, the Department, in the newspaper, proposed a 1 May to 13 June season. The Department itself proposed that.

These people who own these camps, and who engage in this particular business, which I don't particularly agree with, were led to believe by the State of Maine that they could go ahead and commit themselves to a spring season.

I ask you very simply not to make a judgment as to whether the spring baiting of bear is right or wrong, because if you do that, my position is inconsistent. I ask you simply to ask yourselves whether this group of business people were led to invest money and time in something they were led to believe. I have looked actively for some reason not to support that position, and to support my good friend Glenn Manuel. I can't find it.

I ask you, in a sense of fair play, to look at the amendment, it talks about a spring season in 1981, that's all. It talks about a spring season which can be cut off by the Commissioner over the numbers of 500. That's all it asks for. It asks to let this group of business people off the hook.

I would hope that you would vote against the pending motion. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I appreciate the remarks of the good Senator from Aroostook, Senator Carpenter, but like the other day, I think some of the facts are a little misinterpreted, or mis-stated for us. You, also, received on your desk this afternoon a letter signed by the Commissioner, at my request, in which he states in the first two paragraphs:

"On September 13, 1980 the bear hunting and trapping seasons were closed by emergency rule to prevent the over-harvest of bear. On November 19 and 20 hearings were held in Houlton and Farmington to consider dates for the 1981 bear season. It was my intent to provide a timely notice to the public in order that they might plan for the coming year. On December 17, 1980 I met with the Advisory Council and accepted their recommendations for the 1981 season.

The rule which would have established the

season was not promulgated because former Attorney General Richard Cohen withheld approval "predicated on the fact that at the time of the public notice and at the time of the hearings the Department had not formulated the text of a proposed rule which could be reviewed by the public." An opinion, by the way, that was a reversal of previous guidance received from the Attorney General's staff.

In light of the opinion, the Department held new hearings in Houlton and Farmington. After the mandatory ten day comment period, I met with the Advisory Council and we considered the outcome of the public hearings, discussed public comments received by the Council and myself and ultimately voted to establish the 1981 bear season as follows: Hunting, September 14 to the end of the firearms season on deer and trapping, September 1 to October 31."

The other day we were told by two or three Senators that the Commissioner had in many places, and at many times, promised that there would be a spring season. The last paragraph of Commissioner Manuel's letter reads thusly:

"It is my understanding rumor has been circulating that I had promised a spring bear season. This, of course, simply is not true. We set rules and regulations on approximately 200 different matters annually. We do not predict the results of any of these prior to the hearing, nor prior to Advisory Council meetings."

I think this afternoon we have to consider as to who is telling the truth, regarding what the Commissioner said, or what he didn't say.

I am sympathetic with these people, but they come around and said this was a complete surprise, because it was promulgated way back in December. If you call four or five months a complete surprise, well, I've been surprised a lot quicker than that in many cases, especially on the floor of the Senate.

So I ask you this afternoon to consider these statements which have been made, and that you will vote for the Indefinite Postponement of this Bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I'd like to pose a question to a Senator on the Fisheries and Wildlife Committee. Do the game biologists feel that the bear population has been over harvested?

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, has posed a question through the Chair.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: In reply to the good Senator from Penobscot's question, the bear population, has been established. If you'll recall, in our debates of last week, we established many times that the herd will stand the taking of a thousand bear a year. The biologists were all in agreement that we could take 500 bear in the spring and 500 in the fall. Therefore, there is no question in anyone's mind that we have a good tally, we have a good system. This is the reason why this Bill is before us here today, because we keep a very, very close tally on the bear population.

I oppose this motion to Indefinitely Postpone this Bill for the various reasons that have been presented in the preponderance of these debates that have taken place last week, and also today. I hope that the Members of this responsible Senate will continue to vote according to the facts, and not emotions and all this mail. A few of my friends here in the Senate have told me they get a lot of mail. Well, I get a lot of mail from the people who play this emotional thing up to the gills. It's easy to let ourselves go and be emotional, but how many of us here would like to see our income, not only cut back, but very adversely affected, set back for probably two or three years, or perhaps not being able to provide for their families for the next two or three years?

Ladies and Gentlemen of the Senate, I can assure you that I will not argue. I will not argue the position and what the Commissioner said, or what somebody else said, because it's quite obvious that there are two versions of this. I can assure you that it's a total breakdown in communications.

I hope that you will consider, also, another thing that I would like you to consider that you've been hunting bear in the spring since year one. These commercial hunters aren't going to try and kill all the cubs. It's a common practice, it's within them, it's their livelihood, their bread and butter, that most of the bears taken in the spring are males, anyway. They know that if they kill all the females and let the cubs die, they know that their business is going to cease and they won't be able to make any money anymore.

I just hope that you realize that these people that live in the woods and provide for an honest living, that while they're doing that, they bring a lot of tourists, and a lot of people into this State, that helps us pay our tax bills. I hope you will take into consideration the problems these people have. It's easy to sit there and say we get a lot of mail and be emotional. We can be emotional on most any subject.

I hope that you will vote against this motion to Indefinitely Postpone this Bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I would also like to, at this time, ask to have the Committee Report read.

The Committee Reports were Read.

The PRESIDENT: The pending question before the Senate in the motion by the Senator from Cumberland, Senator Conley, that LD 61 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be in opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Brown, Bustin, Conley, Devoe, Gill, Hichens, Huber, Najarian, Teague, Traf-ton, Trotzky, Wood.

NAY — Carpenter, Charette, Clark, Collins, Dutremble, Emerson, Kerry, McBreairey, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Usher, Violet.

ABSENT — Minkowsky.

A Roll Call was had.

13 Senators having voted in the affirmative, and 18 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone does not prevail.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT to Clarify the School Construction Law. (H. P. 166) (L. D. 230)

AN ACT to Authorize Certain Crossings of Public Ways under the Highway Laws. (H. P. 509) (L. D. 560).

AN ACT Concerning the Limitation on Damages for Loss of Comfort, Society and Companionship in Wrongful Death Actions. (H. P. 740) (L. D. 878)

AN ACT Relating to the Confidentiality of Communications Between Patients and Dentists. (H. P. 562) (L. D. 638)

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

AN ACT to Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks. (H. P. 786)

(L. D. 931)

On motion by Senator Emerson of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

Emergency

AN ACT to Authorize a Bond Issue for Somerset County to Renovate the Existing Somerset County Detention Facility. (S. P. 337) (L. D. 965)

Emergency

AN ACT to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (H. P. 345) (L. D. 393)

Emergency

AN ACT to Amend the Tax Law Providing a One-time property Tax Exemption for Disabled Veterans, World War I Veterans and Persons Claiming from World War I Veterans. (H. P. 1327) (L. D. 1521)

Emergency

AN ACT to Clarify Application of the Workers' Compensation Law to Injuries Received by an Employee who Voluntarily Participates on an Employer-Sponsored Athletic Team. (H. P. 666) (L. D. 770)

These being emergency measures and having received the affirmative votes of 30 members of the Senate, with No Senators having voted in the negative, 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 Chair laid before the Senate the Tabled and specially assigned matter:

HOUSE REPORTS—from the Committee on State Government - Bill, "An Act to Provide that Merit Increases for State Employees will Only be Awarded for Job Performance that is Meritorious" (H. P. 714) (L. D. 839), Majority Report Ought Not To Pass; Minority Report Ought to Pass.

Tabled—April 15, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

On motion by Senator Collins of Knox, Retabled.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers From the House

House Papers

RESOLVE, to Authorize Expenditures of Certain Federal Funds for New or Expanded Programs. (Emergency) (H. P. 1361) (L. D. 1546)

Bill, "An Act to Make Allocations from the Regulatory Fund, Public Utilities Commission, for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (Emergency) (H. P. 1362) (L. D. 1547)

Bill, "An Act to Extend the Deadline for the Enactment of Legislation Concerning Education Allocations, Appropriations and Rates." (Emergency) (H. P. 1363) (L. D. 1548)

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 Establish an Environmental Licensing Fund in Order to Expedite the Processing of Applications Filed with the Department of Environmental Protection." (H. P. 1364) (L. D. 1549)

RESOLVE, Providing for Standards to Achieve Erosion Control on Roads in Organized Areas under the Site Location of Development Law." (Emergency) (H. P. 1365) (L. D. 1550)

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 to Reform the Statutes Relating to Driving under the Influence of Intoxicating Liquor or Drugs." (H. P. 1351) (L. D. 1541)

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

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

Bill, "An Act to Assure the Rights of Mentally Retarded Persons to Family Style Living Units." (H. P. 1366) (L. D. 1551)

Reference to the Committee on Local and County Government suggested.

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

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

Bill, "An Act Creating a Division of Records Management Services within the Department of Finance and Administration." (H. P. 1367) (L. D. 1552)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

Which was referred to the Committee on State Government and Ordered Printed, in concurrence.

Bill, "An Act to Exempt Jet Fuel used for International Flight from the 2¢ per Gallon Excise Tax." (H. P. 1368) (L. D. 1553)

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

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

Order

An Expression of Legislative Sentiment recognizing:

His Excellency Jaakko Ikonen, of Finland, Ambassador to the United States on the occasion of his visit to Madison Paper Industries, April 21, 1981. (S. P. 576) presented by Senator REDMOND of Somerset (Cosponsor: Representative RICHARD of Madison).

Which was Read.

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

Senator REDMOND: Mr. President, Members of the Senate, it's with great pleasure and joy that the people of Madison and Anson join this Body to salute his Excellency, Jaakko Ikonen, of Finland. He's the ambassador to the United States. It is worthy to note his presence in our State. Of course, I guess you all know that the Madison Paper Industries is partly owned by people who come from Finland, and also partly owned by people who come from New York, the same state that my seatmate, the honorable Senator Trotzky, came from.

Which was Passed.

Sent down forthwith for concurrence.

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: AN ACT Relating to Law Libraries. (S. P. 562) (L. D. 1532)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Overrule Federal Preemption of Certain Maximum Rate Ceilings of the Maine Consumer Credit Code. (H. P. 12) (L. D. 6)

AN ACT to Increase the Limit of Indebtedness of the Newport Water District from \$1,000,000 to \$1,500,000. (H. P. 964) (L. D. 1155)

AN ACT to Define a Loose Cord of Wood for Fuel Wood Sold on that Basis. (H. P. 1319) (L. D. 1517)

AN ACT to Clarify the Application of Military Service Credits to Retirement Benefits for Employees of Local Districts under the Maine

State Retirement System. (S. P. 274) (L. D. 783)

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

AN ACT to Deregulate the Bag Limit and Size Requirements of Striped Bass. (S. P. 369) (L. D. 1088)

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. I move that LD 1088 be Tabled for 1 Legislative Day.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Washington, Senator Brown, that LD 1088 be Tabled for 1 Legislative Day, pending Passage to be Enacted, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

20 Senators having voted in the affirmative, and 9 Senators having voted in the negative, LD 1088 was Tabled for 1 Legislative Day, pending Enactment.

RESOLVE, Authorizing the Director of the Bureau of Public Lands to Convey Certain Lands of the State to the Town of Gorham. (S. P. 200) (L. D. 567)

Which was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

AN ACT Relating to Reapportionment for Municipal Officers. (S. P. 226) (L. D. 612)

This being an emergency measure and having received the affirmative votes of 31 Members of the Senate, with No Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers From the House Joint Order

ORDERED, the Senate concurring, that Bill, "An Act to Implement Certain Costs Savings while the State's Unemployment Compensation Fund Remains in Debt," House Paper 845, Legislative Document 1011, be recalled from the Governor's desk to the House. (H. P. 1370)

Comes from the House, Read and Passed.

Which was Read.

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

Senator COLLINS: I move that this item be Tabled for 2 Legislative Days.

On motion by Senator Pray of Penobscot, Tabled until Later in Today's Session, pending Passage.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, On the Record.

Senator PRAY: Thank you, Mr. President. Mr. President, Members of the Senate, on the issue which we just Tabled until Later in Today's Session, is a particular bill which now lies on the Governor's desk. This bill came out of the Labor Committee earlier this Session as a companion bill to another bill, that dealt with a problem which, it was my understanding met the unanimous endorsement to be corrected by the Labor Committee, and of course it went through this Body's approval, and the other Body's as well, since it is on the Governor's Desk.

The Governor, in his review of the proposal, found some concern about the bill not doing exactly what we had thought that it was going to do. It deals with individuals collecting unemployment who draw pensions.

The purpose for the recall order today, is because this is the only day that we will be in Session this week. The Governor has until Saturday to either pass the bill or to veto the bill.

I think to Table it for 2 Legislative Days, clearly puts the Governor into a position where he will have to veto the bill. I think since this process would allow us this opportunity, at this time, to take the bill back and to make the corrections as we had all thought that it was going to do, we would save not only a potential veto and the actions to override or sustain that veto. I think that it is important that we use the options that are available to us so I would hope that later in the day, when this issue comes up, we would not table it.

I would hope that the Majority Floor Leader would withdraw his motion to Table for 2 days and allow us to take the action on it.

Senator Sewall of Lincoln was granted unanimous consent to address the Senate, On the Record.

Senator SEWALL: Thank you very much, Mr. President. I do think that we should use every available method before us, and since this bill was a matter of a great lot of concern and trust in the committee, I know that the Governor can put in another bill, which we can pass under Suspension of the Rules, immediately and correct the situation at his earliest convenience.

I suggested it today, and I suggest we could do it on another day as well.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator CONLEY: Mr. President, I do not like to use this approach to try to get around the Rules, with respect to a Tabling Motion, but the issue is a very, very important issue that has been Tabled until later today.

If the Governor signs the bill that is on his desk, it would put 21,000 people presently collecting unemployment compensation in jeopardy of one week. In other words the law that was intended to be passed by the Labor Committee meant that all new people coming on unemployment would have to wait one week, before they could draw a check.

The way that the bill has been Passed, and Enacted, it means, that it is interpreted in the wording of that legislation, that all people presently collecting unemployment would have to wait one week. In other words, if somebody was in their 13 week of unemployment it means if they went down to sign up next week, they would have to wait, give up one whole week at that period of time.

I do not think that we want to jeopardize people and their families in this State for that problem. Twenty-one thousand families are going to be affected by this legislation if the Governor signs it, that law goes into effect immediately and that is what would happen.

It is not a question of being able to whip through a bill here in 5 minutes. The fact of the matter is we are going to be in Session here until next Monday. All we really have to do is Pass the Order that will be coming up later in the day. Recall the bill, allow this system to continue as it is going on now, and amend the bill to correct the little, little problem that we have with the bill. Enact it immediately and then put it into effect.

On motion by Senator Pray of Penobscot, the Senate voted to remove, from the Table, Joint Order Relative to House Paper 845 being recalled from the Governor's desk, (H. P. 1370), Tabled earlier in Today's Session, by the Sen-

ator from Penobscot, Senator Pray, pending Passage.

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

Senator COLLINS: I move that HP 1370 be Tabled for 2 Legislative Days.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I request that the vote 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 at 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 pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that HP 1370 be Tabled for 2 Legislative Days.

A Yes vote will be in favor of Tabling for 2 Legislative Days.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Brown, Collins, Devoe, Duremble, Emerson, Gill, Hichens, Huber, McBairty, Perkins, Pierce, Redmond, Sewell, C.; Shute, Sutton, Teague, Trotzky.

NAY — Brown, Bustin, Carpenter, Charette, Clark, Conley, Kerry, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

ABSENT — Minkowsky.

A Roll Call was had.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 1 Senator being absent, HP 1370 was Tabled for 2 Legislative Days, pending Passage.

An Expression of Legislative Sentiment recognizing: Violet A. White, of Oakfield, who celebrated her 90th Birthday on April 3, 1981. (H.P. 1371)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of David A. Michaud of Eagle Lake, House Staff Member of the 109th and 110th Legislatures. (H.P. 1372)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, I would like to speak briefly on this Resolution. David Michaud was one of us. He wasn't an elected member of the 110th, instead he was one of those people that tried to make the order out of the chaos that appears on our desks every day. I've served on the staff of the Legislature so I know how demanding, difficult, and pompous we, Legislators, can be. Yet, David responded to us with patience, courtesy, kindness, and hard work.

I first became a friend of David's when I served in the House. When I moved down to the Senate, that friendship continued. Hardly a day went by without meeting David in the hall and his greeting was always the same. "Hi, Senator, and how are you today?" David sincerely cared about how I was that day, and for his caring, my days were better.

David's death, at such an early age, is truly a tragedy. Yet, he leaves many behind, including this Senator who will miss him.

The PRESIDENT: The Chair would ask the Senate to rise in a moment of silence. (a moment of silence.)

Which was Adopted, in concurrence.

Joint Order

ORDERED, the Senate concurring, that, when the House adjourns, it adjourns to Monday, April 27, 1981, at 10 o'clock in the morning; and be it further

ORDERED, that when the Senate adjourns, it adjourns to Monday April 27, 1981, at 5 o'clock in the afternoon. (H.P. 1373)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

The Adjournment Order having been Read and Passed, in concurrence, on motion by Senator Pierce of Kennebec, Adjourned until Monday, April 27, 1981, at 5 o'clock in the afternoon.