

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**

STATE OF MAINE
One Hundred and Ninth Legislature
Second Regular Session
JOURNAL OF THE SENATE

February 13, 1980

Senate called to order by the President.

Prayer by Pastor Jacky Willhoite of the United Pentecostal Church of Augusta.

Pastor WILLHOITE: Shall we bow our heads. Father, God we thank you for this great State of Maine. We thank you for your kindness and love. We thank you for the freedom that we have, the liberty that you have been so gracious to see that we have. You're good to us and we appreciate it.

We thank you God for the leaders that you have permitted to be over us. We recognize God, that they need guidance and they need help, and you ask us to pray for them. Father we come to you asking you to touch them in their homes, their families, touch them in their lives. Baptize them with humility, kindness, Lord, those things that would be needful in their lives to receive strength from heaven. Grant it to them God. Touch them Lord in their decision-making.

O God open their minds so they may see things properly and wisely. Tell them to consider Lord your thinking when they go to vote or make their various decisions. Be with them Lord this day and the days to come. We'll thank you for it in the lovely name of Jesus. Amen and Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act Concerning Mobile Barber Shops." (H. P. 1658) (L. D. 1767)

In the Senate February 11, 1980, Bill and Accompanying Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Enrolled, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I move this item be tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, moves L. D. 1767 be tabled for 1 Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, a Parliamentary Inquiry? Is a motion to table for 2 Legislative Days in order?

The PRESIDENT: The Chair would advise in the negative. The shorter tabling time takes precedence.

On Motion by Senator Chapman of Sagadahoc, Tabled for 1 Legislative Day, pending Consideration.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Joseph Noel, the oldest living Franco-American in Sanford, who will celebrate his 100th birthday on February 20, 1980. (H. P. 1822)

Valerie Carpentier, the 2nd Oldest Franco-American in Sanford, will celebrate her 96th birthday on February 10, 1980. (H. P. 1824)

That the town of Sanford will celebrate Franco-American Day on February 16, 1980. (H. P. 1823)

Come from the House, Read and Passed.

Which were Read.

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

Senator LOVELL: Mr. President, and Members of the Senate: I might comment on these orders, that Sanford is an awful good place to live in, because you're going to live a long, long life. So I'd advise many of you to move to Sanford if you want to live to be 100.

Which were Passed in concurrence.

(Off Record Remarks)

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

**Papers from the House
Joint Order**

An Expression of Legislative Sentiment recognizing:

The Maine Historical Society where those who strive to know may perceive our rich heritage and join in its defense against the ravages of time. (H. P. 1844)

Comes from the House, Read and Passed.

Which was Read.

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

Senator KATZ: Mr. President and Members of the Senate: Incorporated in February of 1822 just two years after Maine became a state, the Maine Historical Society is the fourth oldest historical society in the entire nation. The purpose of the society, as stated in its charter, is "to collect and preserve whatever may tend to explain and illustrate any department of civil, ecclesiastical, and natural history of this state."

Governor Keith Parris was its first President—Chief Justice Prentis Mellen, its Treasurer and Reverend Dr. Edward Payson, Librarian, and a long list of distinguished officers of this organization since its day of inception. From its inception until 1881, the society made its headquarters at Bowdoin College. Portland City Hall then housed it until 1889, when the society moved into the Portland Public Library building given to the city by James Phinney Baxter. Finally in 1895, the society accepted the offer of Anne Longfellow Pierce to deed the Wadsworth Longfellow House on Congress Street, in Portland, to the society—provided the society would construct a library on the property and maintain the front two parlors of the Longfellow House as a memorial to her brother, Henry Wadsworth Longfellow. Today, the Longfellow House is Portland's chief tourist attraction, with 8,000 visitors annually.

The library was dedicated on February 7, 1907—the hundredth anniversary of the poet's birth.

The membership was originally restricted to 100. Then finally it rose to 200, and 400 and finally 1,000. Women were disallowed from membership until 1909. The only black mark that I can detect in studying the history of this organization.

One can't serve in the Legislature without having a feeling for the history of Maine and those who went before us—in this Body, and the Executive Branch, the Judiciary, and in the State at large. In this spirit, the Maine Historical Society cordially invites you to drop into Room 327, and I guess we've already done that, but you can drop back to enjoy samples of their hospitality.

Mr. President and Members of the Senate, we congratulate them on their presence here today.

Which was Passed, in concurrence.

(Off Record Remarks)

House Papers

Bill, "An Act to Provide for Renegotiation of the Cost-Sharing Formulas for School Districts." (H. P. 1817) (L. D. 1945)

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

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

Bill, "An Act Relating to the Powers of Hospital Administrative District No. 1 in Penobscot County." (Emergency) (H. P. 1818) (L. D. 1946)

Comes from the House, referred to the Com-

mittee on Health and Institutional Services and Ordered Printed.

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

Bill, "An Act to Authorize Lincoln County to Raise Money for Capital Improvements to the Court House and Annex." (H. P. 1819) (L. D. 1947)

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

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

Bill, "An Act Increasing the Indebtedness of Veazie Sewer District and Amending the Charter of Veazie Sewer District." (Emergency) (H. P. 1820) (L. D. 1948)

Bill, "An Act to Amend the Kennebunk, Kennebunkport and Wells Water District Charter to Include the Town of Ogunquit." (H. P. 1821) (L. D. 1949)

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

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

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create an Inland Fisheries and Wildlife Fund and Authorize the Commissioner to Charge other State Agencies for Services Rendered" (H. P. 1826) (L. D. 1930) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Appropriations and Financial Affairs.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the Study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Appropriate Funds to the Department of Inland Fisheries and Wildlife" (H. P. 1827) (L. D. 1931) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Appropriations and Financial Affairs.

Which Reports were Read.

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

Senator PIERCE: If I could just speak briefly, I would like to comment. I think some explanation is in order. There has been some confusion about so called Majority Reports and Minority Reports from this committee and so forth.

What the committee finally decided to do by a majority vote was to report out all the possible bills that they could review, to address the problems of this particular department.

I personally felt that some of them that obviously weren't going anywhere would have been more appropriate not to report them out to the full body, but the Majority of the Committee felt that we should. That's why probably you have every single option that we are going to need to address and a few extra besides.

I did want you to know why there are this many pieces of legislation before us.

Which Reports were Accepted, in concurrence.

On Motion by Senator Pierce of Kennebec, Referred to the Committee on Appropriations and Financial Affairs, in concurrence.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Promote Hunting, Fishing and Camping in Maine" (H. P. 1829) (L. D. 1933) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Fisheries and Wildlife.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Adjust License Fees, for Inflation, for the Department of Inland Fisheries and Wildlife" (H. P. 1830) (L. D. 1934) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Fisheries and Wildlife.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create a Combination Nonresident Hunting and Fishing License" (H. P. 1832) (L. D. 1936) be referred to the Committee on Fisheries and Wildlife pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Fisheries and Wildlife.

Study Report — Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase Trapping Fees" (H. P. 1833) (L. D. 1937) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Fisheries and Wildlife.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operations and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create a Woodcock Hunting Stamp" (H. P. 1834) (L. D. 1938) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

ferred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Fisheries and Wildlife.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create a Harvest Fee for Big Game" (H. P. 1839) (L. D. 1943) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Fisheries and Wildlife.

Which Reports were Read and Accepted, in concurrence.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Fisheries and Wildlife, in concurrence.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide an Income Tax Checkoff for Voluntary Contributions to the Department of Inland Fisheries and Wildlife" (H. P. 1825) (L. D. 1929) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Taxation.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create a Severance Tax on Minerals to Help Finance the Department of Inland Fisheries and Wildlife" (H. P. 1838) (L. D. 1942) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Taxation.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Allocate 1/2 of 1% of the Sales and Use Tax to the Department of Inland Fisheries and Wildlife" (H. P. 1837) (L. D. 1941) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the bill referred to the Committee on Taxation.

Which Reports were Read and Accepted, in concurrence.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Taxation, in concurrence.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Encourage Retirement of Wardens in the Department of Inland Fisheries and Wildlife" (H. P. 1831) (L. D. 1935) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Aging, Retirement and Veterans.

Which Report was Read and Accepted, and the Bill referred to the Committee on Aging, Retirement and Veterans, in concurrence.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Eliminate Dedicated Revenues for the Department of Inland Fisheries and Wildlife" (H. P. 1828) (L. D. 1932) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Appropriations and Financial Affairs.

Which Report was Read and Accepted, in concurrence.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Taxation, in non-concurrence.

Sent down for concurrence.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Fisheries and Wildlife.

Which Report was Read and Accepted, in concurrence.

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

Senator PIERCE: Mr. President, I move that L. D. 1939 be referred to the Committee on Taxation.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that L.D. 1939 be referred to the Committee on Taxation.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Thank you, Mr. President. Mr. President, I oppose the pending motion. I believe that it was the proper reference that was made in the other body. I would like to speak briefly.

I made a call this morning and did some checking and it's always been within the Fisheries and Wildlife Department that they administer the boat registrations. They are set up for it. I don't think it should go to any other committee.

It is divided up, the formula is two-thirds goes to the Fisheries and Wildlife Committee and one-third goes to Marine Resources. The Commissioner of Fisheries and Wildlife has been in contact with the Marine Resources Commissioner, and sees no objection to sending it to the Fisheries and Wildlife Committee.

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

Senator PIERCE: Mr. President, I withdraw my motion to send this to the Committee on Taxation, and furthermore that it be referred to the Committee on Fisheries and Wildlife.

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

Senator CONLEY: Mr. President, it's seldom that I give support to the Assistant Majority Floorleader. I think probably one of the reasons we're having so many problems with the Department of Fisheries and Wildlife is the very fact that most of these bills have gone to the Joint Standing Committee on Fisheries and Wildlife. It might be good for an open minded and unbiased committee such as that of the Joint Standing Committee on Taxation to take a look at this bill and therefore, would move that this Bill be referred to the Joint Standing Committee on Taxation.

The PRESIDENT: Would the Senator defer his motion until the Senate has acted on the previous request by the Senator from Kennebec, Senator Pierce, who has requested Leave of the Senate to Withdraw his Motion.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I take deference to the requested Leave to Withdraw Motion by the Senator from Kennebec.

The PRESIDENT: The pending question before the Senate is the request by the Senator from Kennebec, Senator Pierce, that the Senate grant him Leave to Withdraw his Motion to refer this Bill to the Committee on Taxation.

The Chair will order a Division.

Will all those Senators in favor of granting the Senator from Kennebec, Senator Pierce, Leave to Withdraw his previous motion, please rise in their places to be counted.

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

20 Senators have voted in the affirmative, and 8 Senators in the negative, the Leave to Withdraw Request is granted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that this item be referred to the Joint Standing Committee on Taxation.

The PRESIDENT: The Chair has been advised by its Parliamentarian that there is another part to the good Senator from Kennebec's motion. That part was that this bill be referred to the Committee on Fisheries and Wildlife and the Chair would advise that this part of his motion must be disposed of.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, as Chairman of the Marine Resources Committee, and one-third of these license fees are received from the Marine Resources people, I would suspect that the proper place for this bill, if not before the Taxation Committee, would be before the Marine Resources Committee.

However, to be fair, I think, the Senate body should refer this bill to the Taxation Committee. The Marine Resources Department does not need the extra \$5 per boat to license the watercraft. This bill is simply to give the Inland Fish and Game Department some extra revenue. One-third of this revenue will be derived from the Marine Resources people, so I think to be fair it should go to the Taxation Committee.

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

Senator KATZ: Mr. President, in reading the

titles of these bills, one must conclude that the confusion as to reference bears no resemblance to the enormous confusion that's going to result as we attempt to take a department which is sinking in a morass of deficits, and try to restore it to some kind of fiscal sanity. I'm sure because of the tone here, we're not going to do it through additional taxation.

Consequently, the title of some of these bills confuses me. "An Act to Adjust License Fees," this certainly sounds like an increase in taxes. "An Act to Create a Combination Hunting and Fishing License." I suspect that if one reads this bill, one is going to find out that there is an increase in taxes or fees or licenses, whatever you want to call it. "An Act to Increase Trapping Fees," "An Act to Create a Woodcock Hunting Stamp," "An Act to Increase Registration Fees." All I can say is thank God, you and I are in a session of the Legislature which is dedicated to not raising taxes.

The PRESIDENT: Is the Senate Ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion by Senator Pierce of Kennebec to refer L. D. 1939 to the Committee on Fisheries and Wildlife, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 20 Senators in the negative, the Motion does not prevail.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Taxation, in non-concurrence.

Sent down for concurrence.

Study Report — The Joint Select Committee on Fisheries and Wildlife

The Joint Select Committee on Fisheries and Wildlife to which was referred the study relative to the operation and finances of the Department of Inland Fisheries and Wildlife, pursuant to Joint Order (H. P. 1517) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Permit the Department of Inland Fisheries and Wildlife to Borrow in Anticipation of Revenues" (H. P. 1836) (L. D. 1940) be referred to the Committee on Fisheries and Wildlife for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Fisheries and Wildlife.

Which Report was Read and Accepted, in concurrence.

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

Senator PIERCE: Mr. President, I move that L. D. 1940 be referred to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that L. D. 1940 be referred to the Committee on Appropriations and Financial Affairs.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, I support the motion that's being made by the Assistant Majority Floorleader, but I'd like to take this opportunity to address the remarks of the Majority Floorleader in reference to the situation.

He did, "hit the nail on the head," when he talked about the condition and the situation the department is in. I also think it is very easy to sit on the outside and to criticize a situation without offering a better alternative.

There may be a fee increase or a tax increase, however you want to interpret the words being used or being played with here today. We are facing a serious time in our government, where not only the Fisheries and Wildlife Department, but other departments as well are facing financial straights, are facing

the cost of inflation to government, as well as to those on the outside of government, and it's something that has to be jointly shared.

I think for an individual to stand and to criticize or to state a position that we're opposed to increases, or fee increases, is not offering a solution to the situation, but only throwing a little bit more fuel onto the fire that's burning now. It's that type of attitude that will definitely put government into a worse position than it is today.

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

Senator KATZ: Mr. President and Members of the Senate, I suggest to you that what I really said here this morning is the Department of Inland Fisheries and Wildlife is a shamble. If it were a private business, it would be liquidated.

The State Department of Transportation is in no better shape. As a matter of fact the financial resources of this State are being strained right across the board.

If the existence of 15 bills here this morning shows a growing awareness that the State is in serious financial condition and that we have 2 choices to raise taxes or cut services, I'm delighted this occurred this morning.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

Communication
State Planning Office
Communication for Senate Advanced
Journal and Calendar

May Ross
Secretary of the Senate
State House Station #2
Augusta, Maine

Re: Status of Housing in Maine

The State Planning Office is pleased to transmit to the Legislature the fourth of seven housing monographs. The remaining monographs being prepared cover public investment in housing; the economic impacts of housing construction; and in inventory of current housing programs.

This monograph details policies and program recommendations which address housing needs within the State. It was the intent of the Legislature through enactment of 5 M.R.S.A., § 3306-A to promote the development of coordinated policies, programs and services in order to address more adequately the basic housing needs of the people of the State of Maine. The remaining monographs will be transmitted upon completion.

Re: Economic Indicator Series (EIS-5)

The State Planning Office is also pleased to transmit our latest Economic Indicator Series Report just released which provides valuable economic statistics about the overall status of the Maine economy. In the Legislature's daily dealings with economic issues, such information should prove useful. The EIS-5 includes taxable sales information for the first three quarters of 1979, in addition to an employment and income forecast for the State through 1981. A new feature of this report is that, in addition to releasing current or actual sales, we have begun with the third quarter to release deflated taxable sales adjusted for inflation. Therefore, these deflated sales figures reflect the real growth of the retail sector in Maine.

Anyone interested in obtaining a copy of either of these new reports should contact the State Planning Office.

Sincerely,
S/ALLEN PEASE
Director

Which was Read and, with accompanying papers, Ordered Placed on File.

Committee Reports

House**Divided Report**

The Majority of the Committee on Energy and Natural Resources on, Bill, An Act to Authorize Cutting of Trees on State Park Lands. (H. P. 1623) (L. D. 1733)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-754).

Signed:

Senators:

TROTZKY of Penobscot
O'LEARY of Oxford

Representatives:

HALL of Sangerville
BLODGETT of Waldoboro
DOUKAS of Portland
MICHAEL of Auburn
HUBER of Falmouth

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

DEXTER of Kingfield
KIESMAN of Fryeburg
AUSTIN of Bingham
PELTIER of Houlton

Comes from the House, the Bill Passed to be Engrossed, as amended by House Amendment "A" (H-783).

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty. Senator McBREAIRTY: Mr. President, and Members of the Senate, I move that we accept the Majority Ought to Pass Report, the House Amendment took away my problems with the Bill.

On Motion by Senator McBreairty of Aroostook, the Majority Ought to Pass as amended Report of the Committee Accepted, in concurrence, and the Bill Read Once.

Committee Amendment "A" Read.

Senate at Ease

The Senate called to Order by the President.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President, and Members of the Senate, I move that we Indefinitely Postpone Committee Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, moves that the Senate Indefinitely Postpone Committee Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate, I have had an opportunity to read House Amendment "A", which Senator McBreairty in his comments recommending that we pass the Ought to Pass Report said took care of his problems. Thus, if that's the end direction that we're going to, I'd like to first of all ask the Chairman of the Natural Resources Committee, if he could give us the difference between the Committee Amendment and the House Amendment, and the original bill itself?

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President, and Members of the Senate. The original bill with the Committee Amendment on it, would have opened up the cutting of wood in all of our State Parks. Many of us felt that this was going to create quite a problem and maybe would get out of hand. So we signed the Ought Not to Pass Report. The Committee Amendment just tightened the original bill up a little.

Now the House Amendment will allow cutting on lots that the deeds now call for Forest Management on. We thought this would be a step in the direction of allowing wood cutting

and give us a little lead time as to how it works. If it works well maybe another year you could open up more, but at the present I'm afraid if you open it wide open, with the Park Rangers going home on Labor Day, you'll have some problems.

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

Senator PRAY: Mr. President and Members of the Senate: I'd just like to take a moment of the Senate's time to read the original bill. It's very short. It states under Forest Management, under the statutes relating to the Department of Forestry, "when the activity is not prohibited by limitations on the State's title and would not unreasonably impair the recreational use and value for which land was acquired by the Bureau, harvesting of wood for fuel or other purposes may be authorized by the Director."

I would take it that the Director of the Bureau of Forestry would have the authority to establish regulations which may very well take care of the concerns of the Senator from Aroostook, Senator McBreairty.

When I look at House Amendment "A", which will be before us in a few minutes, the first sentence of that amendment says: "the Director may authorize employees of the Department of Conservation to do the cutting." I think it's clearly out of the line with the original intent of the legislation to provide a resource within our State lands, in State Parks, for fuel. What the original intent was directing the Department of Conservation, which is already limited in its employees, as far as now becoming involved in forest practices as far as the actual cutting of wood, it would be very questionable. I wish somebody would table this bill for a day.

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

Senator COLLINS: Mr. President, I would like to inquire of any Member of the Committee whether this contemplates that the State of Maine is going into the wood fuel business?

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, may I just add one more question to that so that it can be both answered at the same time.

The Amendment talks about, "he may authorize wood harvesting by others," I'd like to know who the others are?

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

Senator TROTZKY: Mr. President and Members of the Senate: I just called the Commissioner of Conservation on this amendment. Essentially he explained the intent of it is, first of all, it would only allow employees of the Department of Conservation to harvest wood in the State Parks. This wood would be stacked roadside, and could be bought by the public. However, certain wood, for example in areas like Lily Bay State Park, would be cut and would be sold, I gather, to campers who camp in the State Park.

I don't see any harm in the amendment. I think one of the concerns of a bill of this sort is to allow the public to go in and cut on State Park Lands. We may get some irresponsible people in there who are not knowledgeable in Forestry, and end up cutting the wrong trees down. Since the Parks are a tremendous asset to all the people of the State, I think the amendment tends to protect the parks, but yet allow the need for energy for the State of Maine. The people who do not have woodlots, at least, allows the cutting of some of the trees on Park Lands, which may be dead trees or trees that are overcrowded in some way.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending the

Motion by Senator McBreairty of Aroostook.

Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, 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)

Reported that the same Ought to Pass.

Signed:

Senators:

LOVELL of York
TEAGUE of Somerset

Representatives:

DELLERT of Gardiner
NELSON of Portland
THERIAULT of Rumford
STUDLEY of Berwick
REEVES of Newport
HANSON of Kennebunkport
LOWE of Winterport
HICKEY of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senators:

SILVERMAN of Washington

Representatives:

CHURCHILL of Orland
PAUL of Sanford

Comes from the House, the Bill Passed to be Engrossed, as amended by House Amendment "A" (H-784)

Which Reports were Read.

On Motion by Senator Lovell of York, the Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence, and the Bill Read Once. House Amendment "A" Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Senate**Ought to Pass — As Amended**

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Provide Arthritic Drugs to Eligible Individuals under the Low Cost Drug Program." (S. P. 654) (L. D. 1693)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-414)

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

Ought to Pass in New Draft

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Establishing Expenditure Limits for Federal Funds Expended by State Departments and Agencies for the Fiscal Year Ending June 30, 1981. (Emergency) (S. P. 675) (L. D. 1773)

Reported that the same Ought to Pass in New Draft under same title (S. P. 757) (L. D. 1944).

Which Report was Read and Accepted and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Increase the Fees for the Driver Education Evaluation Program. (H. P. 1691) (L. D. 1801)

Bill, "An Act to Redefine Golf Club, under the Liquor Laws, to Include Clubs with over 1,200 Yards per 9 Holes. (H. P. 1688) (L. D. 1796)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act Relating to Confidentiality

under the Lottery Law." (H. P. 1692) (L. D. 1802)

Which was Read a Second Time.

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

Senator KATZ: Mr. President L. D. 1802, has to do with the confidentiality of the identification of winners of lottery prizes. This surprises me because I was not certain that there were any winners of the Lottery in the State of Maine. The idea that we are casting some kind of confidentiality over any of the operation, any of the operation, of the lottery disturbs me. I just wanted to call the Senate's attention to it and perhaps a more sober reflection might be in order.

On Motion by Senator Shute of Waldo, tabled for 2 Legislative days, pending Passage to be Engrossed.

Bill, "An Act Authorizing the Bureau of Consumer Protection to Inform and Advise the Public and to Investigate and Prosecute Complaints Under the Fair Credit Reporting Act." (H. P. 1814) (L. D. 1926)

Which was Read a Second Time.

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

House — As Amended

Bill, "An Act Providing for Return of Patients to Mental Health Institutions." (H. P. 1683) (L. D. 1792)

Bill, "An Act Relating to Suspension on Non-appearance under the Motor Vehicle Laws." (H. P. 1644) (L. D. 1753)

Bill, "An Act Amending the Charter of the York Sewer District." (H. P. 1740) (L. D. 1858)

Bill, "An Act Relating to Hunter Safety." (H. P. 1612) (L. D. 1722)

Bill, "An Act to Eliminate the Requirement for Certain Adjudicatory Proceedings before the Board of Registration in Medicine." (H. P. 1642) (L. D. 1751)

Which were 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 Relating to Winter Closing of Town Ways. (S. P. 673) (L. D. 1777)

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

An Act to Clarify the Statutes Relating to Natural Gas Pipeline Companies. (H. P. 1593) (L. D. 1704)

An Act to Amend the Laws Relating to the Maine Student Incentive Scholarship Program. (H. P. 1622) (L. D. 1732)

An Act to Limit the Activities Authorized by the Wholesale Seafood License. (H. P. 1625) (L. D. 1735)

An Act Concerning the Brake Requirements on Farm Registered Vehicles under the Motor Vehicle Laws. (H. P. 1627) (L. D. 1737)

An Act Concerning Recording, Comments and Notice Dates Under Administrative Procedure Laws. (H. P. 1643) (L. D. 1752)

An Act to Increase the Debt Limit of the Kingfield Water District from \$80,000 to \$350,000. (H. P. 1660) (L. D. 1769)

An Act to Amend the Capitol Planning Commission Law. (H. P. 1669) (L. D. 1786)

An Act to Amend the Law Dealing with the Identity of Fish Produced by Aquaculture. (H. P. 1710) (L. D. 1815)

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 Increase Real Estate Broker and Salesman License and Examination Fees. (S. P. 705) (L. D. 1841)

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate. This is an emergency session, so to speak, or the Second Regular Session, with emergency bills, and here we have "An Act to Increase Real Estate Broker and Salesman License and Examination Fees", we are also considering "An Act to Increase Barbers Fees," An Act to increase fees for something else here and there and I think that we are going too far out of bounds.

We have a Governor who says that we are not going to have an increase in taxes, but if these aren't taxes which are going to be handed over to the people, I don't know anyway else that you can explain them. As a result I would like to start my first motion as I will make motions on the other bills that are going to follow increasing fees, and move that this Bill and all of it's accompanying papers, be Indefinitely Postponed.

On Motion by Senator Katz of Kennebec, Tabled, pending the Motion by Senator Hichens of York.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate. I would urge the Senate to vote in opposition to this motion.

I can understand the concerns expressed by the Senator from York, Senator Hichens, but we have to be realistic in addressing some of these issues we can't just turn our heads away.

In the case here, at the public hearing there was no opposition expressed by the real estate community, as a matter of fact they supported this as necessary and realistic to meet the expenses of the existing commission.

You will notice that this is the Governor's bill, it is a department bill, to address the needs to continue providing the services in the Real Estate Commission. Largely these needs have been caused by the salaries that are being granted through the contract. Therefore I see this as one issue that, as much as we wish not to increase costs is one that is essential and will be borne by the real estate people who are effected.

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

Senator CONLEY: Mr. President and Members of the Senate. I was hoping I would have the opportunity of saying a few words before the motion was made by the good Senator from Kennebec, Senator Katz, with respect to the last item.

I think as the good Senator from Sagadahoc, Senator Chapman, pointed out these fees that are before this body and the other, are dedicated fees, for the operations of those departments, themselves.

If you want to start dipping into the General Fund to help along, and I do not think that there is anybody here who wants to do that, then they ought to come forward and say so.

My personal feeling is that I am opposed to any type of fee increase as well, or a tax increase as well. However, so long as the Legislature is going to allow dedicated funds to be set up, for these various boards and commissions to be in operation, then they also had better well make that decision as to whether or not they are going to allow them to adjust these fees to stay in operation. That's all.

An Act Providing Release Benefits for Certain Persons Discharged from the Maine Correctional Center. (H. P. 1714) (L. D. 1820)

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

An Act to Require that Children who are under 15 years of Age Wear Helmets when they are Passengers on Motorcycles or Operate Off-road Motorcycles or Motor Driven Cycles. (H.

P. 1590) (L. D. 1700)

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate. Relevant to L. D. 1700 in it's final state here, I think I stated my position quite clearly with the original bill itself.

That it was unenforceable, it was a burden upon law enforcement, that the bonus should be on the insurance industry itself, if they are that concerned of children under 15 using motorcycles or driving them without head gear. That it should be an educational thing and not mandated under law, on that particular basis.

So basically from the original bill, I thought it was ludicrous, now as we analyze the amendment added onto the bill it makes the entire thing absurd. If you look at the amendment that is before us today in the enactment stage of this particular L. D., it says: every person under age 15 who rides as a passenger on motorcycles, or motor driven cycle, or on sidecars attached to a motor driven cycle, etc, etc, shall wear protective head gear conforming to those minimum standards of construction and performance which the Secretary of State may prescribe.

The Secretary of State at the present time is not in a position to lay down any rules and regulations and besides that you had better set aside an appropriation to give him to enforce, making out the rules and regulations that would be mandatory under this particular provision.

The second part of it: no operator of a motorcycle, etc, may allow a passenger under the age of 15 to ride in violation of this section. Such a broad general term which is nothing. How are you going to enforce it? Mothers going to go out and watch a kid ride around to be sure either on private property or on the road, that she or he abides by what the parents or guardians say? It is impossible to enforce.

The third section: no operator of an off-road motorcycle off-road on your own domicile, under age 15 may ride in violation of this section. How far do you think we are going to go with this stuff? This is absolutely absurd.

Also to get into the final section, violation of this section is a civil violation for which a forfeiture of \$25. for the first and \$50 for subsequent violations shall be adjudged.

All the facts that this particular amendment spells out are totally unenforceable, which makes the entire bill invalid.

I would make the motion at the present time, Mr. President, and Members of the Senate, that this Bill and all of its accompanying papers be Indefinitely Postponed, and I ask for a Division.

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

Senator CONLEY: Mr. President and Members of the Senate. It is unfortunate that the good Senator from Androscoggin, Senator Minkowsky, did not point out some of these personal feelings the other day, when the amendment was offered in this body, and adopted by this body.

I want to commend the good Senator from Oxford, a member of my party, for making this bill as strong as it is presently. In fact I think if he could make it a little stronger I would be willing to suspend the rules, and allow him to tack on another amendment. I think it would be an excellent time for this Senate of Maine to commend Senator O'Leary for his thoughtfulness toward this particular bill, and to Enact it.

At least the message is out there as to what the Legislature of Maine feels with respect to trying to prevent bodily harm to some innocent child, or some adult who does not have the wisdom to wear a helmet.

It would be my hope the Senate would reject the pending motion and to support overwhelmingly the Enactment of this particular bill.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate. There are a great many bills, that come before us I do not have much expertise on, and so I look to others who know more about the subject and ask for their advice and quite often try to follow their advice.

I have a son-in-law who has worked for many years with motorcycles. I did not realize today when I put on my Harley-Davidson tie that this was going to come up for debate, but it is very appropriate under the circumstances. I have another son-in-law, and two sons who ride motorcycles, they were very strong in their advice that the helmet law be repealed a couple of years ago. I followed their advice and I am still glad that I did, but they also advise me that passengers especially those under 15 should be required to wear helmets.

Last Sunday afternoon, I hear the sound of a motorcycle go by my home. I looked out and there was my 10 year old grandson riding his motorbike around over the lawn, through the fields and so forth. So I called up my son-in-law and told him I noticed that he did not have a helmet on, and told him about this legislation with the amendment that Senator O'Leary had presented.

A few minutes later I saw my grandson running across the fields to his aunts home and then coming back with a helmet, before he got on the cycle again he was wearing that helmet, and he wore it all the rest of the afternoon, while riding.

My son-in-law said that he was glad I called, he would have had a helmet on his son in the beginning but he did not have one that would fit him, and that is why that he had sent for one.

I explained the bill to him and he said he thought it was a marvelous idea. He felt off-road riding was sometimes more dangerous than on-road riding for these youngsters. They might hit a hole in the field or in the driveways or so forth and it would be more dangerous without a helmet than it would be on the highways. So I hope you'll vote against the pending motion and vote to pass this bill.

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

Senator O'LEARY: Mr. President, I know according to all the newspaper reports and everything they give me credit for this amendment, however, the only part of the amendment I had anything to do with was the title. I won't tell you who the person was who gave me the amendment. The morning that I offered this amendment if you'll remember back a few days ago, I rushed down to the office, picked it up, without an opportunity to read it, took it in the office to have it reproduced and we all saw it at the very last moment of the session. No one had an opportunity to read it, least of all myself, which is perhaps an error on my part.

I know that everyone has been crediting me with trying to mess up some laws, like muzzle-loaders, and the drum beaters, so I think if I don't set the record straight on this amendment, they're going to suspect every amendment I try to attach to anything is a little bit subversive. That's not my intent.

There are parts of this amendment that was brought to my attention. One of them is enforcement. I don't know how the State Police are going to go into the woods to catch these kids, I'd hate to see them with one of our newer vehicles.

However, there is another part that bothers me, in the minimum standards of construction for the helmet. I think I described what the helmet would be. It would have to be at least 4 inches thick, weigh about 14 lbs. It says the Secretary of State may prescribe the minimum standards. There's no appropriation on this to give them any assistance. I don't know where he's going to find the expertise to do it. I support the Motion to Indefinitely Postpone.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Mr. President, Mr. President, and Members of the Senate. The central theme seems to be how we're going to enforce this law. I would only point out to those who raised that question that perhaps the same way that we presently enforce the drinking age limit that we have, that people have to be of a certain age. The same way that we support the drinking age that individuals have to be of a certain age before they are allowed to drink. The same way that we enforce our Child Labor Laws, saying that children cannot work around machinery, and perhaps the same way that we enforce many of our other Maine Statutes, which have limitations upon individuals.

I would think also the question as to the expertise of the Secretary of State's Office, I have in the last year or so grown to admire his expertise in many matters which I did not think he would be capable of, but he always came through.

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

Senator DANTON: Mr. President, and Members of the Senate. As I look at L. D. 1700, as it originally started and now look at the amendment, that's the first thing that makes me stop and wonder about this type of legislation. No one's against safety. I wouldn't want to see any young boy or young girl fall off a motorcycle and get hurt.

But when you talk about civil violations and we have Members from our Judiciary Committee here, what you're doing is, you're stopping someone on a motorcycle, the law enforcement people are, and they go up to that person and they say how old are you? That person says I'm 16 years old. What does that law enforcement official do at that point? I'd like to have that question answered. There's nothing he can do. It's a civil violation. He can't arrest him. He can't ask him for identification. He cannot ask him for identification, I saw one Senator motion to me he can. He cannot!

Another thing, Mr. President and members of the Senate, his name can be Peter Danton. He can say his name is John Doe, and accept the summons even if he is 14 years old. There's no way he can prove whether that's Peter Danton or John Dopes.

Now if this is the type of legislation you want to pass. Fine! Let's pass it. Let's put it on the books, but I don't call this good legislation. It's very shoddy. The original bill at least started off in the right direction. I commend the person that introduced this. I know that that person was trying to do something right. Then we ended up with this amendment. Whatever the purpose was for the amendment, I wasn't here that day, I never would have voted for this amendment.

Really, Mr. President, and Members of the Senate, the best way to handle this is the way my good friend, the Senator from York, Senator Hichens, handled it. When he looked out in the yard and saw his grandson riding around without a helmet on, he picked up the phone and called his son-in-law and told him to get a helmet on that boy. That's the way it should be done. If you as parents can't tell your children that they shouldn't be on a motorcycle without helmets, then you're not doing your job as parents.

When you expect the Legislature every time you turn around to raise the drinking age, then lower the drinking age, and put helmets on and take helmets off, I think it's a sad state of affairs. Let me tell you there's an old saying: "that no man's life, liberty or property is safe while the Legislature's in session." Believe me in my 5 terms here, I've really gotten to believe that.

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

Senator HICHENS: Mr. President, in answer to a note that was just put on my desk, and to

relieve the concerns of many of us here in the Senate today, no one rides over my strawberry bed, helmet or no helmet.

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

Senator CONLEY: Mr. President, I risk the chance of being shot down by my colleague of my party, but I have no greater love for anyone in my party than I do for the good Senator from York, Senator Danton, he and I have been very close friends over a number of years. But the good Senator sometimes has a short memory. I agree with him, he was not present in the Senate and given the opportunity to vote on the amendment. But he was here when the bill first came before the Senate. The Roll Call I have before me on the acceptance of the Ought to Pass Report of the Committee, was that the good Senator didn't even like the original bill.

So the fact that it's been juiced up a little, to make it a little more, perhaps, restrictive for these youngsters, sort of further alienates and aggravates him. I'm delighted that he's here today to share with us this great moment and this great opportunity for him to give one more negative vote against a piece of legislation that may just possibly, just might, there's just that chance, that it might save some little kid from being seriously injured.

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

Senator DANTON: Mr. President, and Members of the Senate. My leader always has a way of trying to accuse me of doing things that I never did to begin with. True, I perhaps voted against the bill, but what I said was I can appreciate the intent of the sponsor of the original bill. I didn't say that I favored it, I just said that I appreciated it.

So I just want to get the record clear. I'm not changing my mind. I appreciated that person's intent. I don't believe in this type of Legislation. I believe that this is something that should be handled at home. If I had a son or daughter, and I told her I didn't want her on a motorcycle without a helmet on or him, God help them if they ever got on a motorcycle.

You know, I often say this, I often wonder sometimes if my father knew there was a Maine Legislature around. I really do. You know my dad died when I was 16 years old. He came to this country in 1904. Of course, they still call me a foreigner, I was born here. He came here in 1904, learned how to read and write on his own. Some of you can remember my mother became an American citizen at the age of 85.

My father never had to worry about Senators Conley or Senators Hichens or Senators Minkowsky who come up here and pass laws for him to run his family and tell his family what to do. He could care less, because when he'd look at Pete he'd just give a little motion or nod one way or the other and that's all it required. It didn't take any laws. Believe me. It didn't take any laws whatsoever. He had his law, I knew what his law was, believe me, I obeyed it.

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

Senator KATZ: Mr. President, I'm going to go and tell Judge Danton this his baby brother is just absolutely so persuasive that he must surely be proud of him. Just about the time he sat down I felt myself slipping down from my appropriate position, but fortunately I was just able to hold onto my position, when you sat down.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, just two very minor points. The platitudes that were bestowed upon my colleague, from Oxford, Senator O'Leary, by my illustrious Minority Leader singing the praises of us Democrats, I want to remind him I'm of the same Party persuasion even though I'm on the opposite side of the fence as to his thinking.

Secondly, Mr. President, in discussing this particular LD with whom I consider a legal expert, Senator Collins of Knox, I asked the question that sometime last October or November there was a Supreme Court Ruling which prohibited law enforcement from just stopping cars, vehicles, motorcycles, without having a justifiable cause. Of course now I think the justifiable reason is they can stop vehicles if they set up some type of a road block for inspections of vehicles, or motorcycles.

I'm wondering if the United States Supreme Court in it's wisdom voted that particular way, is law enforcement going to be in violation in trying to make a determination who is 15 or under, in stopping motorcycles? Possibly we should address this piece of legislation in another session and have that particular point more clarified?

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion to Indefinitely Postpone L. D. 1700, please rise in their places to be counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I request a Roll Call.

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 Senator Minkowsky of Androscoggin, that L. D. 1700 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Cote, Danton, Emerson, Farley, McBreairty, Minkowsky, O'Leary, Pierce, Sutton.

NAY — Carpenter, Clark, Collins, Conley, Devoe, Gill, Hichens, Huber, Katz, Lovell, Najarian, Perkins, Pray, Shute, Silverman, Teague, Trafton, Trotzky, Usher.

ABSENT — Ault, Martin, Redmond.

10 Senators having voted in the affirmative, and 19 Senators in the negative, with 3 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

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

Emergency

An Act to Eliminate Restrictions on Grants Made by the Bureau of Mental Retardation. (H. P. 1684) (L. D. 1793)

This being an emergency measure and having received the affirmative votes of 28 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.

Orders of the Day

The Chair laid before the Senate the first tabled and specially assigned matter:

JOINT ORDER—relative to Lakeville Plantation. (H. P. 1811)

Tabled—February 12, 1980 by Senator Katz of Kennebec.

Pending—Passage.

On Motion by Senator Pierce of Kennebec, Indefinitely Postponed, in non-concurrence.
Sent down for concurrence.

On Motion by Senator Katz of Kennebec, there being no objections, all items previously acted upon were sent forthwith.

On Motion by Senator Pierce of Kennebec, adjourned until 10 o'clock tomorrow morning.