

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

HOUSE

Wednesday, April 8, 1981

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

Prayer by Jasper Wyman, Pastor, Second Baptist Church of Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine
Augusta

April 7, 1981

The Honorable Edwin H. Pert
Clerk of the House
110th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Majority Ought Not to Pass Report on Bill, "An Act Concerning the Use of Force to Protect Property". (H. P. 143), (L. D. 169).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Divided Report**Tabled and Assigned**

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S - 95) on Bill "An Act to Abolish the Position of County Treasurer in Penobscot County and Replace it with a Full Time Finance Officer" (S. P. 43) (L. D. 44)

Report was signed by the following members:

Senators:

AULT of Kennebec
CHARETTE of Androscoggin
PERKINS of Hancock

— of the Senate.

Representatives:

STOVER of West Bath
WENTWORTH of Wells
CURTIS of Waldoboro
RIDLEY of Shapleigh
PARADIS of Old Town
ROBERTS of Buxton
ARMSTRONG of Wilton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S - 96) on same Bill.

Report was signed by the following members:

Representatives:

LaPLANTE of Sabattus
McHENRY of Madawaska
SWAZEY of Bucksport

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S - 95).

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move we accept the Majority "Ought to Pass" Report with Committee Amendment "A" in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you defeat the majority report of the Committee on Local and County Government and accept the minority report, which is the actual bill with an emergency clause.

The majority report took a bill which dealt with one county and now deals with all coun-

ties. I don't believe that we should be telling Oxford County or Washington County or Aroostook County what to do. If Penobscot County wants to do something, let them do it. If Aroostook County wants to do something, let us do it. It is none of our business how another county wants to operate.

Mr. Speaker, I would also ask that you rule on whether or not Committee Amendment "A" is germane.

The SPEAKER: The Chair would advise the gentleman from Madawaska, Mr. McHenry, and members of the House, in reference to the germane ruling, the Chair would rule that Committee Amendment "A" is not germane.

The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, under that ruling, I move that we accept the minority report.

The SPEAKER: The Chair would advise the gentleman that the pending question is still adoption of the majority report. If the majority report is adopted, it would be adopted without Committee Amendment "A" and the original bill would be adopted.

Mr. McHENRY: Mr. Speaker, therefore I respectfully ask the House to defeat the majority report so that we can accept the minority report, which is the wish of Penobscot County.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I am from Penobscot County and I believe the people of Penobscot County that I represent would not be in favor of a change for the sake of a change.

I don't know as we need a county treasurer. As a matter of fact, I don't believe we do. A former member of this House, Minnette Cummings, served as treasurer, and she tells me that she sees no need for it, but they also don't see any need to replace it with a finance officer. This would just be a change for the sake of a change, and in changing the name of a job, the pay would probably be even greater. If they wanted to have a bill to do away with the county treasurer, that might be one thing, but just to change the name, I wouldn't be in favor of it and I am sure the people I represent in general are also not in favor of it.

In view of that, I hope this majority report is not accepted and then we can proceed in an orderly manner in some other direction, kill the bill or do something. I would like to hear from some of the do-gooders from Penobscot County that want to change the name, what the advantage is and how much money the county will save and a few more things. In other words, I could stand a little bit of education in this matter.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: The motion that I am going to make, having heard the Speaker rule that Committee Amendment "A" was not germane to the bill, coming from Penobscot, my feeling at this time is that I would like to see the bill and all its accompanying papers indefinitely postponed and I make that motion.

The SPEAKER: The gentleman from Corinth, Mr. Strout, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, I move that this be tabled for two legislative days.

Whereupon, Mr. Kelleher of Bangor requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Shapleigh, Mr. Ridley, that this be tabled pending the motion of Mr. Strout of Corinth to indefinitely postpone the bill and accompanying papers in non-concurrence and specially assigned for Friday, April 10. All those in favor will vote

yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Relating to Furloughs for Inmates of County Jails." (H. P. 872) (L. D. 1041) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on April 2, 1981.

Came from the Senate with the Majority "Ought to Pass" Report of the Committee on Health and Institutional Services read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mrs. Prescott of Hampden, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Further Amending the Planning and Zoning Statute" (S. P. 183) (L. D. 461) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on April 6, 1981.

Came from the Senate with that Body having Insisted on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-94) in non-concurrence.

In the House: On motion of Mr. Hall of Sangerville, the House voted to recede and concur.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Judiciary

Bill "An Act to Provide for the Election of Jury Trials in Certain Criminal Cases" (H. P. 1382) (Presented by Representative O'Rourke of Camden) (Cosponsors: Representative Soule of Westbrook and Senator Pray of Penobscot) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment)

Recognizing:

The Brunswick Naval Air Station, recipient of the Secretary of the Navy's Environmental Protection Award for environmental safeguards against oil spills, groundwater pollution and noise pollution; (S. P. 554)

William Slupski of Brunswick, a sixth-grader from St. John's School, who won his school's competition in the 33rd annual Maine Sunday Telegram spelling bee; (S. P. 555)

Youth Aid Officer James J. Bilodeau, of the Scarborough Police Department, for a brave rescue on the evening of March 7, 1981; (H. P. 1329) by Representative Higgins of Scarborough.

Scott Whipkey, son of Mr. and Mrs. Lawrence Whipkey of Washburn, valedictorian of Washburn District High School; (H. P. 1330) by Representative Peterson of Caribou. (Cosponsor: Senator McBrearty of Aroostook)

Karen Blackstone, daughter of Mr. and Mrs. Clayton Blackstone of Washburn, salutatorian of Washburn District High School; (H. P. 1331) by Representative Peterson of Caribou. (Cosponsor: Senator McBrearty of Aroostook)

United States Marine Corps Sergeant Keith Southworth of New Vineyard Maine, winner of the 1981 2nd Marine Division Powerlifting Tournament, 242-pound category; (H. P. 1332) by Representative Boyce of Auburn.

There being no objections, these items were considered passed in concurrence or sent up for

concurrence.

House Reports of Committees Ought Not to Pass

Representative Carroll from the Committee on Transportation on Bill "An Act to Place Restrictions on Certain Horses using Roads and Highways" (H. P. 802) (L. D. 956) reporting "Ought Not to Pass"

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

Leave to Withdraw

Representative Vose from the Committee on Public Utilities on Bill "An Act Relating to Disposition of Consumer Complaints by the Public Utilities Commission" (H. P. 531) (L. D. 597) reporting "Leave to Withdraw"

Representative Carroll from the Committee on Transportation on Bill "An Act Relating to the Board of Harbor Commissioners for the Harbor of Portland" (H. P. 1140) (L. D. 1357) reporting "Leave to Withdraw"

Representative Carroll from the Committee on Transportation on Bill "An Act to Require Motorists Traveling on Maine Highways to Turn on Their Headlights When Conditions Require Continuous Operation of Wiper Blades and to Require Certain Vehicles to Activate Rear Blinkers at Slow Speeds" (H. P. 484) (L. D. 531) reporting "Leave to Withdraw"

Representative Kiesman from the Committee on Energy and Natural Resources on Bill "An Act to Establish a Hazardous Waste Exchange" (H. P. 936) (L. D. 1106) reporting "Leave to Withdraw"

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act Concerning Existing Municipal Solid Waste Facilities" (H. P. 924) (L. D. 1095) reporting "Leave to Withdraw"

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act to Provide Additional Radiation Monitoring Capability by the State" (H. P. 1107) (L. D. 1312) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Pursuant to Joint Order H. P. 1321

Representative Post from the Committee on Taxation on Bill "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" (Emergency) (H. P. 1327) (L. D. 1521) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 1321)

Report was read and accepted, the Bill read once and assigned for second reading tomorrow.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Consent Calendar

First Day

(H. P. 740) (L. D. 878) Bill "An Act Concerning the Limitation on Damages for Loss of Comfort, Society and Companionship in Wrongful Death Actions" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-189)

(H. P. 562) (L. D. 638) Bill "An Act Relating to the Confidentiality of Communications Between Parties and Dentists" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-190)

There being no objections, the above items were ordered to appear on the Consent Calendar of April 9 under listing of Second Day.

Consent Calendar

First Day

In accordance with House Rule 49, the fol-

lowing items appeared on the Consent Calendar for the First Day:

(H. P. 509) (L. D. 560) Bill "An Act to Authorize Certain Crossings of Public Ways under the Highway Laws" — Committee on Transportation reporting "Ought to Pass"

(S. P. 286) (L. D. 812) Bill "An Act to Amend the Workers' Compensation Law to Facilitate Ridesharing" — Committee on Labor reporting "Ought to Pass"

(S. P. 391) (L. D. 1149) Bill "An Act to Repeal the Prohibition Against Transfer of Birth Control Prescriptions between Pharmacies" — Committee on Health and Institutional Services reporting "Ought to Pass"

(S. P. 381) (L. D. 1139) Bill "An Act Concerning the Election Days in which Courts must Close" — Committee on Judiciary reporting "Ought to Pass"

(S. P. 380) (L. D. 1138) Bill "An Act Concerning Cases which may be Heard in the District Courts for the Division of Western Aroostook" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 786) (L. D. 931) Bill "An Act to Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H - 186)

(H. P. 693) (L. D. 807) Bill "An Act to Establish a Transit License Plate for Movement of Special Off-road Vehicles and Equipment Weighing over 6,000 Pounds" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H - 187)

(H. P. 666) (L. D. 770) Bill "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" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H - 188)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 9 under the listing of Second Day.

Consent Calendar Second Day

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

(H. P. 217) (L. D. 254) Bill "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships" (C. "A" H - 179)

On the objection of Mr. Kiesman of Fryeburg, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I felt I should take this item off the Consent Calendar even though it did come out of the committee with a unanimous "ought to pass," because the amendment that came out of the committee is substantially different than the bill that came in, and I know that a large majority of the people in my district are opposed to a buck law. That is what the committee amendment does, it authorizes the commissioner to, at any time at his pleasure, put on a buck law, to forbid the taking of antlerless deer in any sections of the state as he may desire and in any districts as he may desire.

I feel there is a great possibility for bad decisions in this case. If one very vocal group in a district gets to the commissioner, has a public hearing and loads a hearing, they can put a buck law on in the whole district, and I don't think that hits with the desires and needs of the people in that district as a whole. The legislature has in its wisdom, in the past, concerned itself with the laws on the taking of deer, as they have many other game animals, and I think you might hark back in the very recent days and look at what has happened in the taking of bear and decide for yourselves wheth-

er you really want to grant this kind of authority to the commissioner in an area that has traditionally been kept within the purview of the legislature.

When the vote is taken, I would ask that it be taken by the yeas and nays.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I won't take up very much of your time. The original bill was my bill. We also had a bill from Representative Russell Day that did about the same thing. The department originally opposed our bills because it set in mandate the possibility of a "bucks only" law, and every state that has mandated a "bucks only" law for an indefinite period of time has run into trouble. So, we came up with this amendment that would give the commissioner the authority to use the buck season in whatever area he thought it was necessary.

This was a unanimous committee report. We all felt that the commissioner did need this authority. We do have some problem areas in the state, and this is one of the ways we hope to solve it.

As you know, we cut the season short in the third zone, and it turned out to be what we considered to be ineffective. All we did was crowd the same amount of hunters in the same area for a shorter period of time. We hope this will enable the department to manage the deer herd the way it should be managed, and I hope you will go along with the committee and move this bill on its way.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: If you will recall a year or two ago, there was a great deal of controversy of the hunting of deer in the western sections of the state of Maine. There was a deer kill over there that was heavy and all of a sudden it started to decline. This amendment coming in that we have here as the bill now will give the commissioner the authority, as Mr. Jacques has told you, to control the hunting of deer in certain areas by restricting it to bucks only. In any given area that is in trouble, if we can maintain the doe herd to a point where reproduction will increase, then we can return that area to a bountiful crop of deer, and I urge you to support the bill.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I apologize for getting up on this, since it was a unanimous report, but since Representative Kiesman has voiced an opinion, I feel that I will rise in support of him.

Mr. Gillis mentioned two years ago, and at that time I was serving on the Fisheries and Wildlife Committee, and even though I have always been opposed to a "bucks only" law, I recognized the problem they had over in Zone 3 and I thought that this would be a good vehicle to show the rest of the state what a horrible mistake it would be when we shot bucks only. I went along with that and I voted for it.

This morning, when we talk about giving the decision-making to the commissioner, this worries me because I am not sure of the ability of the commissioners down the line to recognize the will of the people or the will of the hunters, the sportsmen. That does cause me some concern.

I am not going to prolong this, but I want to tell you one thing — do you want to vote for a bill that will leave deer dead in the woods because of a mistake being made?

The geography of Maine is such that when we are hunting game manytimes we see a deer and we start shooting. Generally, most of us that grew up in the woods, or almost born with a gun in our hands, are going to connect, and in the brush you are not sure what you are shooting at. I don't think there is any hunter in this

body that will stand up and say that he knows every time exactly what he is shooting.

I want to tell you one case that happened to me, and I would have had to leave a dead deer in the woods or pay the fine. Stan Harland, one of our better guides in the State of Maine, if any of you want to visit him, he is a patient over at Togus Hospital now, and a number of years ago he and I were hunting up at Penobscot Lake. He had startled this big buck and I watched him come up through the woods, and I thought to myself, if I position myself right, I can catch him on a little island in the trees as he comes through. So I carefully worked myself back into the proper position, and as I looked into the woods, here was the buck standing there, I could see all of his hind quarters, and I thought, my, how easy. I took careful aim, fired and the woods seemed to erupt deer. I rushed in with my knife out thinking about the big buck I was going to take home, but, you know, I had shot a doe. And if this law is passed and in fact we do have a "bucks only" law, then I would have to make a decision, would I leave that beautiful deer in the woods to rot or come out and say, look, I have made a mistake and I have to pay a fine? As you vote, I would like to have you keep that in mind.

The SPEAKER: The Chair recognizes the gentleman from Fryburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think I should respond to some of the remarks that were made saying that the shortened season in Zone 3 was not successful. I believe it was successful. I live in the southern part of the western zone and it was successful. We didn't have anymore hunting pressure in the southern part of that district, that is where I live and that is where I hunt. We do have more deer there than we did a year ago, in my personal observation.

I will tell you, there are a lot of people who hunt in the State of Maine, as in every other state, who will tell you that they always know exactly what they are shooting at and they are a dead shot and they always get what they are shooting at, and they delude themselves. You may see a buck and identify it as a buck, and when he runs through a clump of water bushes, he may stop in the water bushes and run a big doe out ahead of him. And I will tell you, you will drop that doe if you are any kind of a shot, and I think most people in Maine who do hunt are pretty good shots.

I agree with the gentleman from Milo, there will be a lot of does killed in a situation like this. I have hunted all over the world, I have hunted all over the world I have hunted all over the United States in my 28 years in the military service, and I will tell you that is what is going to happen and I am violently opposed to a buck law, and I hope you consider this.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Day.

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't realize this was going to be a such a long debate.

I sponsored a bill almost exactly like this one of Mr. Jacques. We agreed on it, and this is the best bill. Therefore, I withdrew.

I have buck hunted most of my deer hunting career and I used to go to three states, and much of this talk about dead deer all over the place does not occur in other states, and I urge you to pass this bill, which is a good management tool for a natural resource of Maine.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I haven't hunted all over the world and I haven't hunted all over the United States, but I can tell you one thing — when I shoot at something, I know what it is and I know whether it has horns or it doesn't have horns. That is the way I was brought up to hunt in the State of Maine.

This bill comes out of a deer task force that was formed to study the problem. Maybe the

hunting pressure wasn't greater in Mr. Kiesman's area but it was in other areas of Zone 3, and they shot as many deer as they ever shot in Zone 3.

The biologist told us that there was a problem in Zone 3, that there shouldn't be as many deer shot in Zone 3. The task force studied this problem very carefully and I worked with them on this bill, on the original concept of this bill. We do not want to set the "bucks only" season in concrete. We hope the commissioner, or whoever the commissioner might be, will use this wisely, only as a resource tool.

In other states, they have not had the problem of dead does all over the woods. That is a fact, we heard testimony to that fact. This is not a buck law, this will give the commissioner the authority, after holding public hearings, to institute a "bucks only" season for a certain area of the state. He might never need it if we keep having winters like we have now and our deer herd will be in wonderful shape, but we are not sure about that.

This was a unanimous committee report. I hope you will go along with the committee's recommendation, the deer task force recommendation and the recommendation of a lot of sportsmen in this state. I would appreciate your support.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes: those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: Very briefly. If you vote no, in other words not to indefinitely postpone, what you are saying is that down the road you are going to trust every commissioner that you have. You are not going to trust the sportsman out in the field to use his judgment, you are going to trust the commissioner, be he a good one or one not so good. We happen to have a good commissioner now, but are you going to guarantee with your vote this morning that you are going to have a good one from here on out?

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman's words here just a second ago, we give people a job to do in state government, and if we can't give them the authority along with the responsibility, then let's close the place up. We put a man down there to do a job and we have got to give him the tools to do the job.

They are taking this simple little bill and putting it out of proportion. This merely gives the commissioner of Fisheries and Wildlife the authority to impose an antlerless deer season if he considers it necessary, and that action would be taken following information received from game wardens, biologists, sportsmen, sporting clubs throughout the state.

I would hate to see this brought about down in Washington County, but if it is necessary, I would support it to the hilt if he could prove it to me. He is not going to just arbitrarily say, hey, we are going to close Aroostook County, we are going to close Piscataquis County, just for the sake of exercising authority. He only exercises this authority as he deems necessary, and if we can't give the man the authority for the job, then let's get him out of there.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Fryburg, Mr. Kiesman, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Baker, Bell, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Conners, Crowley, Curtis, Hanson, Holloway, Hunter, Jordan, Kane, Kiesman, Lancaster, Leighton, Lewis, Macomber, Masterman, McCollister, McHenry, McKean, Randall, Reeves, J.; Ridley, Sherburne, Smith, C.W.; Soule, Strout, Studley, Swazey, Tarbell, Theriault, Twitchell, The Speaker.

NAY — Aloupis, Armstrong, Beaulieu, Benoit, Berube, Boisvert, Bordeaux, Brannigan, Brennerman, Carrier, Carter, Chonko, Clark, Conary, Connolly, Cox, Cunningham, Damren, Davis, Day, Dexter, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadsky, Hall, Hayden, Hickey, Hobbins, Huber, Hutchings, Ingraham, Jackson, Jacques, Joyce, Kany, Kelleher, Ketover, Kilcoyne, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Mahany, Martin, A.; Martin, H. C.; Masterton, Matthews, McGowan, McPherson, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Roberts, Rolde, Salsbury, Small, Smith, C. B.; Soulas, Stevenson, Stover, Telow, Thompson, Treadwell, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT — Boyce, Carroll, Davies, Higgins, H. C.; Higgins, L. M.; Jalbert, LaPlante, Laverriere, Manning.

Yes, 39; No, 103; Absent, 9.

The SPEAKER: Thirty-nine having voted in the affirmative and one hundred and three in the negative, with nine being absent, the motion does not prevail.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H - 179) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 447) (L. D. 508) Bill "An Act to Provide for the Arbitration of Disputes Between Health Insurance and Policy Holders" (C. "A" H - 180)

(H. P. 833) (L. D. 1000) Bill "An Act to Prevent Certain Abuses in Door-to-Door Sales" (C. "A" H - 181)

(H. P. 542) (L. D. 603) Bill "An Act to Increase the Fees and Provide for Continuing Education of Podiatrists" (C. "A" H - 182)

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

Passed to Be Engrossed

Bill "An Act to Facilitate the Development of More Placements in Boarding Homes that are Small, Homelike and Safe for Ambulatory and Mobile Nonambulatory Persons" (S. P. 551) (L. D. 1516)

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

Bill "An Act to Create a State Compensation Commission" (H. P. 757) (L. D. 894)

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

Mr. McHenry of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H - 185) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

Bill "An Act to Exempt Illegal Possession of Liquor from the Maine Juvenile Code" (H. P. 875) (L. D. 1044)

Was reported by the Committee on Bills in the Second Reading, read the second time,

passed to be engrossed and sent up for concurrence.

Amended Bill Tabled and Assigned

Bill "An Act to Clarify the School Construction Law" (H. P. 166) (L. D. 230) (C. "A" H-176)

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

Mr. McCollister of Canton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-183) was read by the Clerk.

On motion of Mr. Connolly of Portland, tabled pending adoption of House Amendment "A" and tomorrow assigned.

Emergency Measure Tabled and Assigned

An Act to Amend the Purposes for Special Marine Resources Licenses to Include Educational Institutions (H. P. 799) (L. D. &c (S. "A" S-89; C. "A" H-138)

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

On motion of Mr. Fowle of Rockland, tabled pending passage to be enacted and specially assigned for Friday, April 10.

Enactor Tabled and Assigned

An Act to Regulate Interest Rates on Life Insurance Policy Loans (S. P. 153) (L. D. 361) (C. "B" S-81)

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

On motion of Mr. Brannigan of Portland, tabled pending passage to be enacted and tomorrow assigned.

Passed to Be Enacted

An Act Concerning Health Insurance Plans under the State Retirement System (S. P. 300) (L. D. 844) (C. "A" S-82)

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

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I would like to pose a question through the Chair and have someone on the committee explain what L. D. 844 does to the current law, please.

The SPEAKER: The gentlewoman from Bethel, Miss Brown, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, what the bill does, simply that people who have retired and then come back into the system in the past could be getting their life insurance policies after one day, and we have simply said that if you are coming back to work in the system, you have got to work for a full year, it can't be just one day. In order to call a year a year, it has to be a year. That is the same bill that Senator Collins introduced dealing with other problems. This is just to tie up or close a loophole in the system.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to the Availability of Joint Life Insurance in Connection with Real Estate Mortgage Loans (H. P. 517) (L. D. 583) (C. "A" H-151)

An Act to Require Equitable Treatment of Electric Charges for Common Areas of Multi-unit Rental Dwellings (H. P. 558) (L. D. 633) (C. "A" H-142)

An Act to Provide the Employment Security Commission Flexibility in Handling Administrative Appeals (H. P. 667) (L. D. 771) (C. "A" H-148)

Were reported by the Committee on En-

grossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Tabled and Assigned

An Act to Create an Environmental Health Program (H. P. 804) (L. D. 914) (C. "A" H-134)

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

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I request this item be tabled for two legislative days, please.

Whereupon, Mrs. Prescott of Hampden requested a vote.

Mrs. Berube of Lewiston requested permission to withdraw her motion to table for two legislative days, which was granted.

On motion of the same gentlewoman, tabled pending passage to be enacted and later today assigned.

An Act to Ensure the Rights of Privacy of Recipients of Public Assistance (H. P. 820) (L. D. 974)

An Act to provide for Payment of Interest to the Taxpayer on the Amounts Over-collected by Taxes (H. P. 860) (L. D. 1023) (C. "A" H-153)

An Act to Update and Revise the Validation of Defects Act (H. P. 876) (L. D. 1045) (S. "A" S-90)

An Act to Allow for the State's Collection of Aircraft Excise Taxes and to Reimburse these Funds (H. P. 996) (L. D. 1184) (C. "A" H-154)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Certain Parcel of Land in Dixmont (S. P. 290) (L. D. 816) (C. "A" S-87)

Tabled—April 7 by Representative Prescott of Hampden.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill affects one of the towns in my district and it was sponsored by a Senator who is not from my district. I was concerned about what the bill might do.

I had had some communications with the Department of Conservation on the very issue that we have presented in this legislation. The Department of Conservation had promised me that they would keep me informed as to what they might present to the legislature for consideration. This has not been done, and the last communication that I had from the department was in June of last year. Then I came to the legislature this session and found that we have a bill, and the department said that they did not put the bill in.

I would ask if there is anyone from the committee that could give me an explanation about this bill and what it proposes to do to the town that I represent?

The SPEAKER: The gentlewoman from Hampden, Mrs. Prescott, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: This will be a somewhat long winded dissertation here. I did discuss it with Mrs. Prescott at some length recently, but I will be glad to explain it again.

Some years ago, a lady owned a piece of land, 75 acres. She made a will and left it to three heirs. The will was obviously improperly

drawn because one of the heirs died, preceded this lady in death. When she did die, that left two of the heirs still alive, one had preceded her. As a result, one-third interest in that 75 acre piece of land escheated to the State of Maine under current law. The State of Maine was not aware that it had acquired an interest in this land. The land was sold by the two remaining heirs and they gave a warranty deed on the land, which they could not legally do. They sold the whole 75 acres. The land subsequently changed hands two or three more times, until it got to the current owner. The current owners, in whose behalf the bill was presented, were preparing to do something with the land and had the proper title search made and discovered that a long time ago the state acquired a one-third interest in the land, even though they had purchased and paid for a full 75 acres. In order that they could legally transfer the piece of property, they came to the Bureau of Public Lands and asked the bureau to give them a quit claim deed on the land so they could properly transfer it. The bureau informed them that they could not give a quit claim on it, and the only way the state's interest in the land could be transferred was by an act of the legislature.

Now we get into another legal problem. They contacted their attorney and their attorney took a court action against the Bureau of Public Lands and the director of the Bureau of Public Lands to grant them a quit claim deed on the land, which he could not do under the law. He was taken to court, however, and had to answer the suit. There were costs involved. Then the bill was put in for the state to grant a quit claim on the land.

Ordinarily in cases like this, it would have been done for one dollar, because it was obviously not the intent of the original owner that one-third interest would go to the state, and this was very obvious in the bill that was presented and the testimony given to the committee. But because there was a case brought against the state and there were costs incurred to the state, it was the decision of the committee that the taxpayers of the state of Maine should not pay the costs associated with transferring the land to the current owners and releasing the state's claim on the land. That is why there is a statement in that bill which has not been in previous bills that have come before you saying that they will transfer it, accepting the costs to the state involved in transferring the land up to a maximum of \$750.

We are of the understanding that there have been about \$550 involved in defending the state in the court suit, and we feel that that should not be borne by the taxpayers, because it was an improper act to bring this against the state. That is why the state is before you, that is why it has this up to \$750 cost involved on it.

Thereupon, the Resolve was passed to be engrossed as amended in concurrence.

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

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

Tabled—April 7 by Representative Pearson of Old Town.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I sent a communication over to Henry Warren for some information. He hadn't received it as of yesterday afternoon. The information that I am requesting I would like to get back from him in writing, so I would ask that someone table this for one additional day, please.

Thereupon, on motion of Mr. Pearson of Old Town, tabled pending passage to be engrossed and tomorrow assigned.

At this point, the House recessed for the purpose of joining in "Welcome Back Day" ceremonies.

After Recess
11:40 A.M.

The House was called to order by the Speaker.

On motion of Mr. McGowan of Pittsfield,
Adjourned until nine-thirty tomorrow morning.