

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, April 27, 1981

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

Prayer by Rabbi Raymond Krinsky of the Beth Israel Congregation of Waterville.

The Members stood at attention during the playing of the National Anthem by the Foxcroft Academy Band, Dover-Foxcroft.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine
Augusta

April 21, 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 Indefinitely Postponed Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships", (H.P. 217) (L.D. 254).

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine

Augusta

April 21, 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 Minority Ought Not to Pass Report on Bill, "An Act Relating to Radiological Exposure", (H.P. 555) (L.D. 631).

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Relating to Punitive Damages in Wrongful Death Actions" (S.P. 250) (L.D. 717)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Amend the Maine Generic Drug Statute" (S.P. 516) (L.D. 1438)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Establish a Remedy for Illegal Evictions" (S.P. 152) (L.D. 360)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Clarify the Security Deposit Law" (S.P. 384) (L.D. 991)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Establishing Minimum Heating Standards for Rented Residential Dwelling Units" (S.P. 143) (L.D. 314)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Permit Violations of the Warranty of Habitability to be Asserted in Landlord-Tenant Disputes" (S.P. 142) (L.D. 313)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act

to Prohibit Unconscionable or Exploitative Residential Rental Agreements" (S.P. 357) (L.D. 1032)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Prohibit Subliminal Advertising" (S.P. 465) (L.D. 1321)

Came from the Senate with the Reports read and accepted. In the House, Reports were read and accepted in concurrence.

Ought to Pass as Amended

Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-122) on Bill "An Act to Conform the Maine Consumer Credit Code to the Federal Truth-in-Lending Simplification and Reform Act" (S. P. 94) (L. D. 213)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-128) as amended by Senate Amendments "A" (S-124) and "B" (S-128) thereto and Senate Amendment "A" (S-129).

In the House, the Report was read and accepted. The Bill read once. Committee Amendment "A" read. Senate Amendment "A" (S-124) to Committee Amendment "A" (S-122) read and adopted. Senate Amendment "B" (S-128) to Committee Amendment "A" (S-122) read and adopted. Committee Amendment "A" (S-122) as amended by Senate Amendment "A" (S-124) and "B" (S-128) thereto adopted. Senate Amendment "A" (S-129) read and adopted. The Bill assigned for Second Reading on Tuesday, April 28.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-123) on Bill "An Act to Provide for a Special Hunting Season on Bear during the 2nd week in November" (S. P. 52) (L. D. 61)

Report was signed by the following members:

Senators:

REDMOND of Somerset
USHER of Cumberland

—of the Senate.

Representatives:

CONNERS of Franklin
PAUL of Sanford
CLARK of Millinocket
PETERSON of Caribou
MacEACHERN of Lincoln
ERWIN of Rumford
DAMREN of Belgrade
JACQUES OF Waterville
GILLIS of Calais
SMITH of Island Falls

—of the House.

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

Report was signed by the following member.

Senator:

HICHENS of York

—of the Senate.

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-123)

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lincoln.

Mr. MacEACHERN: Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted in concurrence, and when the vote is taken, I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker and Members of the House: I rise to speak against this proposal. I don't know if everybody is aware of just exactly what we are talking about. The

title is very misleading. The title says, "To provide for a Special Hunting Season on Bear During the Second Week in November." Actually, what we are talking about is a spring bear season if you will read down a little farther in the amendment. We are now taking the hunting of mother bear and cub bear from May 1 through June the 13th. I think all the people who live in the State of Maine are aware of the fact that if a mother bear is killed, the cubs will have little or any chance of surviving once the mother is dead.

I think this bill has been misrepresented to us. It comes to us as one particular bill, but if you will read on farther, it encompasses things that will happen next fall.

I would also like to point out, although you have been lobbied very, very hard on this particular bill, the same people who have been lobbying you on this bill are the same people who, when we discussed the moose bill, we discussed the bucks-only law, they were the people who said to you, the commissioner is for the moose bill, he is for the bucks-only bill, we should respect the commissioner's wishes and we should act accordingly. In this particular instance, the commissioner is not in favor of this bill. This bill has been amended and added to just to circumvent the wishes of the commissioner.

I would urge you to vote against this bill.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support the Majority "Ought to Pass" Report.

This is an economic issue. The commissioner and other representatives of the Department of Inland Fisheries and Wildlife told the outfitters and the guides that they could take deposits on the spring hunt. They had done this and then the rug was pulled out from under them.

This bill would be for this spring only. Later on in today's calendar there is another bill that will do away with all future spring bear hunts. I urge you to support this bill.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I happened to be having lunch one day at Howard Johnson's on the way to the University of Maine for a session, and the commissioners came out and told me that day they had voted against a spring bear hunting season.

I know nothing about bear hunting, I have never hunted bears, so I asked them to explain to me why they voted against this. Well, they said, we don't feel that we should ruin the bear in the state of Maine by having outsiders, Massachusetts people, come up here, build a platform in a tree, get a pile of intestines and junk and put it out so when the mother sow comes to eat it, they shoot her from the tree either with a bow and arrow or with a gun. Then, of course, the cubs will starve. Well, if that is true, I don't know that it is true, but if that is true, I am going to vote against this bill. I think if you are going to hunt bear, let's hunt them in the fall when you hunt all your other animals.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: You have just been given some misleading facts concerning the spring bear hunt. Mr. Macomber from South Portland, my seatmate, stood up and told you that this is a hunting of mother bear and cub bear. This is a hunting of bear, period. We are not picking out the cubs and the mothers, the sows, so to speak, to slaughter them alone. There is no slaughter in this.

True, there will be spring hunting if you pass this bill, but the facts given to you so far is nothing but misrepresentation. The lobbying that has been going on, as Mr. Macomber states, is the reason for the bill being on the floor today. He made the comment that the

commissioner is not in favor of this bill. True, the commissioner is not in favor of this bill. He voted to break a tie to wipe out spring hunting when the vote came with the advisory committee. However—and I would like to point this out to you here and now—every member of the Fisheries and Wildlife Committee agrees with the commissioner on the wiping out of the spring bear hunts. The only thing we do not agree with him on is the time of the announcement. After the camp owners had gone out and brought in their reservations with the deposits and so forth, this created a hardship on the camp owners. Now, I am not speaking of the camp owners who have the four seasons operation. They, too, went out and got reservations and money deposits. I am talking about the little camp owner, there are 40 or 45 percent in the state, who will lose everything they have built up over the years if spring hunting is not allowed for this year and this year alone.

The passage of this bill will give the small camp owners an opportunity to remain solvent. Many of them will lose their shirts, so to speak, if spring bear hunting is not permitted this year. This is the only reason that the members of the Fisheries and Wildlife Committee agreed to this bill.

Again, we concur with the commissioner on cutting out spring bear hunting, but we do not concur with him on the time of his announcement and the hardship inflicted on the small camp owners.

Representative Dillenback brought up a comment of why should we bring hunters in from out of state. Well, if we don't have hunters and fishermen from out of state then we might as well close the doors on the Fish and Wildlife Department, because that is where the bulk of the revenue comes from to the Fish and Wildlife Department. We need the out-of-state hunters, we need their expenditures here in the state in order to keep the Fish and Wildlife solvent. So I ask you sincerely to vote in favor of the "ought to pass" report so that we may maintain solvent with our small campowners.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not prepared for this bill this morning, but they said we have lobbied. I haven't lobbied but they certainly have lobbied us, if you have seen what you have got on your desks this morning.

I am not for bear hunting of any kind. As far as bringing in the outsiders, if they would hunt the bear like a human being, but they don't, they are worse than the animal themselves. They sit up in the tree with a can of beer or a bottle of C and C next to them, they have got all that mess in front of them, then after they get the poor mother or father, whatever it is, there to the bait, they shoot them. They don't know if they shoot them right or not they are so cock-eyed with what they have got up there in the bottle and in the can.

But let me tell you one thing, the smell that they leave afterwards is unbelievable. I am still getting complaints from two years ago that things hadn't been cleaned up. I thought that they had cleaned up their act, but I understand that they haven't cleaned their act at all.

As far as the poor people up there being desperate for money, there are more than them that are desperate for money. The whole state is desperate for money right now.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker, could I ask for a ruling? Is Amendment "A" germane to the original bill?

The SPEAKER: This matter will be tabled until a ruling by the Chair.

Non-Concurrent Matter

RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use

Handbook, Section 6 "Erosion Control on Logging Jobs" (H. P. 454) (L. D. 501) on which the Majority "Ought to Pass" Report of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed in the House on April 15, 1981.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-198) Report of the Committee on Energy and Natural Resources read and accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A" (H-198) in non-concurrence.

In the House: On motion of Mr. Hall of Sangerville, the House voted to Insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

Messages and Documents

The following Communication: (S. P. 574)

State of Maine
Senate Chamber
PRESIDENT'S OFFICE
Augusta, Maine

April 16, 1981

Honorable Dana C. Devoe
Honorable Barry J. Hobbins
Chairmen, Joint Standing
Committee on Judiciary
State House
Augusta, ME 04333

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

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

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

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

In the House, was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 575)

State of Maine
Senate Chamber
PRESIDENT'S OFFICE
Augusta, Maine

April 17, 1981

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

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

Pursuant to Title 20 MRSA Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

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

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

In the House, was read and referred to the Committee on Education in concurrence.

The following Communication:

State of Maine
OFFICE OF THE GOVERNOR

April 24, 1981

To: The Honorable Members of the Senate and the House of Representatives of the 110th Maine Legislature:

I am returning, without my signature or approval, H. P. 845 - L. D. 1011, An Act to Imple-

ment Certain Cost Savings While the State's Unemployment Compensation Fund Remains in Debt.

The stated purpose of this legislation is to reduce costs of the State's Unemployment Program while the Unemployment Compensation Fund remains in debt. By providing a one week waiting period for unemployment benefits, the State would reduce costs in two ways. First, of course, less money would be spent on benefit payments, and secondly, and more importantly, the State would become eligible for certain reimbursement payments available from the Federal Government for extended unemployment benefit payments.

I am prepared to sign a bill which serves these purposes; however, I strongly object to L.D. 1011 for the following reasons:

The plain language of L.D. 1011 provides that no individual is eligible for unemployment benefits until he has served a one week waiting period during which no compensation would be paid. L.D. 1011 makes no exception to this waiting period requirement. Therefore, as soon as this emergency legislation took effect, there would be complete halt of unemployment benefit payments for all claimants, as no one would be eligible for a full week.

In order to meet the federal reimbursement requirements, the State need only have a law which provides a waiting period for initial claimants. We do not need to interrupt payments to persons already receiving unemployment benefits to qualify for federal financial participation. I believe that neither the sponsors nor the Legislature intended to stop all unemployment benefit payments for a full week; nevertheless, it is clear L.D. 1011 would have that effect.

Therefore, although I object to L.D. 1011, I am, at the same time, also submitting for your consideration a revised version of this legislation which accomplishes the same purposes, without jeopardizing any payment to those already receiving unemployment compensation benefits.

In our revised draft of this legislation the defect is cured by specifying clearly that the waiting period requirement applies only to persons filing an initial claim after enactment of this legislation. In other words, benefit payments to persons now filing continuing weekly claims would not be interrupted.

Very truly yours,
S/JOSEPH E. BRENNAN
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this L.D. Also, I hold the honor of being the victim of the Governor's first veto two years ago. But I am going to surprise you today. I am here today to urge you to sustain the Governor's veto, because we have another item coming up which will accomplish what I set out to do. So at this time I hope you will all join me and sustain the Governor.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor. According to the Constitution, a two-thirds vote of the members present and voting is necessary. The vote will be taken by the yeas and nays. A vote of yes will be in favor of the Bill; a vote of no will be in favor of sustaining the veto of the Governor.

ROLL CALL

YEA — None.

NAY — Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dil-

lenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Martin, A.; Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

ABSENT—Kane, Leighton, Manning, Martin, H.C.; Nadeau, Swazey.

Yes, 0; No, 145; Absent, 6.

The SPEAKER: None having voted in the affirmative and one hundred forty-five in the negative, with six being absent, the Governor's veto is sustained.

Petitions, Bills and Resolves Requiring Reference Passed to Be Engrossed Labor

Bill "An Act to Implement Certain Costs Savings While the State's Unemployment Compensation Fund Remains in Debt" (H. P. 1381) (Emergency) (Presented by Representative Dexter of Kingfield) (Submitted by the Department of Manpower Affairs pursuant to Joint Rule 24) (Governor's Bill)

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Special Sentiment Calendar

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

Recognizing:

The Rumford High School Mathematics Team, winners of the State Math Bowl in the medium school division for the 3rd consecutive year; (H. P. 1376) by Representative Erwin of Rumford. (Cosponsors: Representative Perry of Mexico and Senator O'Leary of Oxford)

Kelly Reynolds of Farmington, who represented Maine in the slalom and giant slalom at the United States Eastern Ski Championships; (H. P. 1377) by Representative Webster of Farmington.

Jill Sickels of Farmington, who represented Maine in the down hill, slalom and giant slalom at the United States Eastern Ski Championships; (H. P. 1378) by Representative Webster of Farmington.

Constance L. Lougee, daughter of Mr. & Mrs. Toby Lougee of Island Falls, 1981 valedictorian of Southern Aroostook Community High School, Dyer Brook; (H. P. 1379) by Representative Smith of Island Falls. (Cosponsors: Senators Sewall of Penobscot and Carpenter of Aroostook)

There being no objections, these items are considered passed and sent up for concurrence.

House Reports of Committees

Ought Not to Pass

Representative Peterson from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Fish and Game Licenses as Issued by Licensing Agents" (H. P. 1269) (L. D. 1496) reporting "Ought Not to Pass"

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

Leave to Withdraw

Representative Clark from the Committee on Fisheries and Wildlife on Bill "An Act to Require Fishways in all Newly Constructed Dams" (H. P. 762) (L. D. 899) reporting "Leave to Withdraw"

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Create a Resident Small Game Hunting License" (H. P. 316) (L. D. 346) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Later Today Assigned

Representative Lund from the Committee on Judiciary on Bill "An Act to Protect Works of Art" (H. P. 493) (L. D. 545) reporting "Leave to Withdraw"

Report was read.

On motion of Mrs. Nelson of Portland, tabled pending acceptance of the Committee Report and later today assigned.

Representative Drinkwater from the Committee on Judiciary on Bill "An Act to Amend the Maine Juvenile Code Concerning Emancipation" (H. P. 31) (L. D. 36) reporting "Leave to Withdraw"

Representative Mahany from the Committee on Agriculture on Bill "An Act Relating to Dog Licensing Funds" (H. P. 94) (L. D. 124) reporting "Leave to Withdraw"

Representative Diamond from the Committee on State Government on Bill "An Act Concerning Search and Rescue Operations" (H. P. 1133) (L. D. 1350) reporting "Leave to Withdraw"

Representative Bell from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution of Maine to Repeal the Status of the Office of Sheriff" (H. P. 1016) (L. D. 1226) reporting "Leave to Withdraw"

Representative Lisnik from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution of Maine to Allow Counties which have Adopted a Home Rule Charter to Provide for an Alternate Manner of Selecting the Register of Probate" (H. P. 1015) (L. D. 1225) reporting "Leave to Withdraw"

Representative Wentworth from the Committee on Election Laws on Bill "An Act to Allow for Voters Registering on Election Day to Cast Absentee Ballots in Certain Situations" (H. P. 792) (L. D. 946) reporting "Leave to Withdraw"

Representative Benoit from the Committee on Judiciary on Bill "An Act Concerning Sums Due for Rent and Damages" (H. P. 741) (L. D. 879) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Prohibit Conveyance of Assets to Qualify for Public Assistance Programs" (H. P. 1292) (L. D. 1505) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Kany from the Committee on State Government on Bill "An Act to Promote Greater Efficiency through Alternative Working Hours in State Government" (H. P. 578) (L. D. 658) reporting "Ought to Pass" in New Draft (H. P. 1375) (L. D. 1556)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, April 28.

Consent Calendar

First Day

In accordance with House Rule 49, the fol-

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

(S. P. 175) (L. D. 455) Bill "An Act to Establish Minimum Standards for Medicare Supplement Insurance Policies" - Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-120)

No objections being noted, the above item was ordered to appear on the Consent Calendar of April 28, under listing of Second Day.

Tabled and Assigned

(S. P. 378) (L. D. 1136) Bill "An Act to Exempt Certain Signs from the Billboard Law" - Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-119)

On the objection of Mr. Richard of Madison, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-119) was read by the Clerk.

On motion of Mr. Richard of Madison, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

(S. P. 228) (L. D. 615) Bill "An Act Relating to Interest Rates upon Refinancing of Loans under the Maine Consumer Credit Code and Making other Clarifications of the Maine Consumer Credit Code" - Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-118)

(S. P. 318) (L. D. 908) Bill "An Act to Amend the Consumer Loan Agreements Law" - Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-117)

(H. P. 67) (L. D. 104) Bill "An Act to Prohibit the Sale and Use of Drug Paraphernalia" - Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-233)

(H. P. 563) (L. D. 639) Bill "An Act Concerning Criminal Trespass by Motor Vehicle" - Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-232)

(H. P. 873) (L. D. 1042) Bill "An Act to Define Force Under the Sex Offense Provisions of the Criminal Code" - Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-231)

(H. P. 169) (L. D. 222) Bill "An Act to Permit Additional Polling Places in Municipalities with Large Fluctuations in Voter Turnout" - Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-230)

(H. P. 170) (L. D. 192) Bill "An Act to Permit Persons who Register Voters on Election Day to Vote by Absentee Ballot" - Committee on Election Laws reporting "Ought to Pass" as amended - Committee Amendment "A" (H-235)

(H. P. 1093) (L. P. 1290) Bill "An Act to Establish an R. B. Hall Day to Honor and Commemorate a Great Maine Composer" - Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-234)

(H. P. 455) (L. P. 502) Bill "An Act to Provide for a Closed Season on Black Bear from the First Monday Following Thanksgiving to September 1st" - Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-236)

(H. P. 1125) (L. D. 1342) Bill "An Act Concerning Qualifications of Law Enforcement Officials" - Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 1338) (L. D. 1533) Bill "An Act to Amend the Northern Maine General Hospital Charter" - Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 286) (L. D. 333) RESOLVE, Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine - Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amended "A" (H-237)

(H. P. 1274) (L. D. 1489) Bill "An Act Relating to the Sale of Alcoholic Beverages on Vessels" - Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-238)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 28, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 1069) (L. D. 1272) Bill "An Act Relating to Child Prostitution" (C. "S" H-227)

(H. P. 56) (L. D. 69) Bill "An Act Concerning the Inspection of Ballots on Municipal Questions" (C "A" H-226)

(H. P. 1122) (L. D. 1339) Bill "An Act Concerning Certain Estates under the Control of Public Administrators"

(H. P. 1153) (L. D. 1374) Bill "An Act to Amend the Charter of the Maine Historical Society"

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

Passed to Be Engrossed

Bill, "An Act Providing Collective Bargaining Rights to Judicial Employees" (H. P. 823) (L. D. 979)

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

Amended Bills

Bill "An Act to Provide for Deduction of Points from the Driver's License of a Minor Illegally Transporting Liquor" (H. P. 889) (L. D. 1058) (H. "A" H-221 and H. "B" H-225 to C. "A" H-204)

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

Bill "An Act to Clarify the Duties of the Registrar of Deeds" (H. P. 766) (L. D. 936) (C. "A" H-217)

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-228) was read by the Clerk and adopted.

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

Bill "An Act to Create a Department of Corrections" (S. P. 376) (L. D. 1134) (H. "A" H-224 to C. "A" S-115)

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

Second Reader

Tabled and Assigned

Bill "An Act Promoting the Availability of Health Care Services" (S. P. 303) (L. D. 847) (S. "A" S-109 to C. "A" S-105)

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

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

Mrs. BERUBE: Mr. Speaker, I move reconsideration of the adoption of Committee Amendment "A" as amended by Senate

Amendment "A".

Because of some of the language which we are looking into, I would like to ask that this be tabled for two legislative days.

Whereupon, on motion of Mrs. Prescott of Hampden, tabled pending the motion of Mrs. Berube of Lewiston to reconsider whereby Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted and specially assigned for Wednesday, April 29.

Passed to Be Enacted Emergency Measure

An Act Relating to Seeking Work and Accepting Suitable Work to be Eligible for Extended Unemployment Benefits (H. P. 1190) (L. D. 1414) (S. "A" S-125 to C. "A" H-199)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Amend the Site Location Law (H. P. 935) (L. D. 1105) (C. "A" H-195)

Was 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:

HOUSE REPORT—"Ought to Pass" pursuant to Joint Order H. P. 264—Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1981 (Emergency) (H. P. 1358) (L. D. 1540)

Tabled—April 16 by Representative LaPlante of Sabattus.

Pending—Acceptance of the Committee Report.

On motion of Mr. LaPlante of Sabattus, retabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 29.

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

HOUSE DIVIDED REPORT—Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Labor on Bill, "An Act to Repeal the Double Affirmation Rule under the Employment Security Law" (H. P. 411) (L. D. 450)

Tabled—April 21 by Representative Beaulieu of Portland.

Pending—Acceptance of either Report.

On motion of Mrs. Beaulieu of Portland, retabled pending acceptance of either Report and specially assigned for Wednesday, April 29.

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

Bill, "An Act to Permit Knox County to Withdraw from the Maine State Retirement System" (H. P. 487) (L. D. 539) (C. "A" H-128)

Tabled—April 21 by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I have an amendment that supposedly was being drawn up on this particular bill. It is not ready yet; hopefully it will be ready this morning. I would like to have it tabled until later in today's session.

Whereupon, on motion of Mr. Diamond of Windham, tabled pending passage to be engrossed and later today assigned.

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

Bill, "An Act to Repeal the Prohibition Against Transfer of Birth Control Prescriptions between Pharmacies" (S. P. 391) (L. D. 1149)

Tabled—April 21 by Representative Prescott of Hampden.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed in concurrence.

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

Bill, "An Act to Recover Amounts Retained by Distributors under the Beverage Container Law" (S. P. 564) (L. D. 1537) — In Senate, Referred to Committee on Business Legislation.

Tabled—April 21 by Representative Brannigan of Portland.

Pending—Reference in Concurrence.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker and Members of the House: This bill, when it came to us, it is a tax measure dealing with the bottle bill, and it was sponsored by Senator Perkins. Because a tax measure cannot arise in the Senate, it was unconstitutional. It has been held until the bill could be redrawn and is now arising in the House, sponsored by one of the House members, and that bill is on one of the supplements. Therefore, I would now move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that this Bill be indefinitely postponed in non-concurrence.

The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to concur with the gentleman from Portland, Mr. Brannigan, in his remarks, but I would like to also indicate that the matter of whether or not this bill is a tax or not is subject to some considerable debate. I assure you, and you will probably be hearing more about it later. But just for the record, I don't want anybody to go out of here thinking that I am sponsoring a big tax measure necessarily.

Thereupon, on motion of Mr. Brannigan of Portland, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

An Act to Permit the City of Bangor to Increase the Number of Members on the Bangor School Committee (Emergency) (S. P. 366) (L. D. 1085) (C. "A" S-101)

Tabled—April 21 by Representative Kelleher of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be enacted and tomorrow assigned.

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

JOINT ORDER—Relative to Workers' Compensation (H. P. 1374) Read in House April 21.

Tabled—April 21 by Representative Kany of Waterville.

Pending—Passage.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, may I first request that the order be read in full since the members of the House do not have the order in front of them, I am sure.

The SPEAKER: The Chair would advise the gentlewoman that the order was read in the House on Tuesday. If anyone has the supplement for that day, they have the order.

The gentlewoman may debate the issue.

Mrs. KANY: Mr. Speaker and Members of the House: Then I would like to read the order to you. I am sorry to do that, but I want to make certain that you all know the language

contained before voting on the matter. The order reads as follows:

"WHEREAS, there are serious problems surrounding workers' compensation in the State; and

"WHEREAS, a study should be made of these problems in order to enable the Legislature to effectively deal with the problems during the current session of the Legislature; now, therefore, be it

"ORDERED, the Senate concurring, that a Joint Select Committee on Workers' Compensation be formed to study problems in workers' compensation, including the extent and quality of vocational rehabilitation available to injured workers' benefit levels; administration of workers' compensation; attorneys' fees; physicians' fees and accessibility; and insurance status and alternatives; and, be it further

"ORDERED, that the Joint Select Committee shall consist of the majority leader of the Senate and majority leader of the House of Representatives, who shall be cochairman of the committee, and 10 additional members: Four members from the Joint Standing Committee on Labor; 3 members from the Joint Standing Committee on Business Legislation; and 3 members from the Joint Standing Committee on Judiciary. These 10 members shall be appointed by the President of the Senate and the Speaker of the House and apportioned equally by party and by House; and, be it further

"ORDERED, that the Joint Select Committee report its findings and recommendations together with all necessary implementing legislation in final form to the Legislature on or before May 21, 1981."

After reading the Maine Sunday Telegram yesterday, you might think that this order was prepared as a result of the comprehensive discussion of Joint Select Committees and special packages and so on, but it was not. This item was tabled from last Tuesday evening. I would like to proceed with the reasons for passage, unless you all unanimously would like to see this order passed, and then I won't. Perhaps I shall just move passage and hope that goes through under the hammer.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I applaud the gentlelady from Waterville in her efforts to try to do something concerning the workmen's compensation laws that now exist in the state, but as you all know, we have a great many bills dealing with workmen's comp before us this session. I would be afraid that if we attempted to pass this order, it would be like putting off of forestalling problems as we know them to be existing in the workmen's compensation laws. Although I appreciate her efforts, I think it would absolutely be a black eye on behalf of this House if we supported the gentlelady's order this morning.

So, with those brief remarks, I move the indefinite postponement of this order and would hope that you would support my motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this Joint Order be indefinitely postponed.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I believe Representative Kelleher misunderstood. I think he is under the impression that the order just requests a study and then holding off until next year any action. Such is not the case. The idea is to report legislation now, this session, and to actually move.

Why do we need a Joint Select Committee for Workers' Compensation? First of all, many of our citizens believe that they have a lot at stake in the multitude of proposals concerning workers' compensation which are already before the legislature this session. The insurance industry sees threats to private enterprises; the

unions see adverse changes and many businessmen see their higher premiums for workers' comp sending them right into the bankruptcy court.

Polarization of opinion is awfully quick to come by when the stakes appear to be so high.

Secondly, there is overlapping jurisdiction of our joint standing committees over areas of the workers' comp system. Just as with the highway funding problem, we choose to have a joint select committee made up, basically, of Appropriations, Taxations and Transportation, because of that overlapping jurisdiction.

The Labor Committee has had the most bills in this area, but both Business Legislation and the Judiciary Committee are addressing portions of the workers' compensation system. Is not that true? Thirdly, a number of legislators have tried and are now attempting to address the entire workers' compensation system so that it can best serve all affected. Our House majority leader, Libby Mitchell, stands out, in my estimation, as someone who is devoting her time and effort and listening to various viewpoints in attempting to address the issues surrounding workers' comp. I believe that her ideas and those of each one of you, for instance Representative Kelleher with his very interesting bill on providing a competitive fund, are really worth attempting to address in a nonpartisan, in a nonpolarized manner, an impartial, bipartisan committee willing to focus on the whole of the workers' compensation commission system, and I offer you the order before you as one way to accomplish something this session before we adjourn.

Fourth, you might say, what does that woman know about how to resolve problems with the workers' comp system, as Representative Kelleher kind of indicated, and the answer is that I know very, very little about it, and I admit it. I have never sponsored a single piece of legislation affecting in any way workers' comp. My sole involvement had to do with a single piece of legislation which came before the State Government Committee two years ago. Linwood Higgins, the minority leader, sponsored legislation moving us towards a full-time workers' comp commission form a very part-time one, and I am proud to say that I fought very hard, and I am sure Representative Higgins will back me up on that, for that legislation with Representative Higgins, and we were able to enact that measure into law over extremely strong objections. But I am not asking to serve on the joint select committee, I am not a member of any of those committees which would be included in the joint select committee.

The committee offered would consist of the following: Four members from the Labor Committee; three members from each of the other committees with overlapping jurisdiction, Business Legislation and Judiciary, all to be apportioned equally according to party, as well as having membership divided between the House and the Senate. This group would be led by two of our leaders who can erase the divisions among us if anyone can, our House Majority Leader, Libby Mitchell, who has been steeping herself in workers' comp issues, and the highly, universally respected Senate Majority Leader, Sam Collins.

The order asks the joint select committee to report back to us with accompanying legislation on Thursday, May 21. That date was chosen as it was exactly one month from last Tuesday when this order was introduced and tabled. The 21st would still give the committee three weeks and two days to work if the order is passed by both bodies today.

The full-time attention, such as the highway joint select committee is giving to that complex issue by meeting just about every morning at eight-thirty, that type of attention which we traditionally give to complex issues which overlap the boundaries of our joint standing committees can best be given, I believe, by a

joint standing committee.

I do hope that you vote for passage. I haven't lobbied any of you, and if you decide to vote against this, fine, but over a period of several months, I have been hoping that we would move in this direction and had suggested it to a number of people, and when I didn't see anything of this nature forthcoming, I just thought I would offer it to you.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As I stated a few moments ago, I applaud the gentlelady's efforts, but sincerely believe that it would be premature at this time. I think we would be missing the bus in dealing with workers' compensation problems if we support the gentlelady's order at this time. It may be appropriate further down the road, but at this point in time I think all it would attempt to do is cloud the issue, not clear the issue.

Obviously, there is a great difference of opinions dealing with the workers' compensation laws that are on the books. I honestly think there is an effort between both parties in this House in terms of political parties and philosophical differences between members in each of those parties dealing with it.

I respect the gentlelady's concern, but I think at this moment, it is, again, too premature and I would ask for a roll call and would hope the House would support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I first want to thank the gentlelady from Waterville, Mrs. Kany, this morning for her help two years ago in her assistance from State Government with myself, and I believe Representative Kelleher and Representative Tarbell, in our piece of legislation relative to full-time workers' compensation commissioners.

I would also like to thank the gentleman from Bangor, Mr. Kelleher, this morning for getting up and moving that this item be indefinitely postponed. If my memory serves me correctly, and this makes the seventh year that I have been here, I don't think I have ever asked to have anything indefinitely postponed. Today was going to be my first day and he upstaged me, as he usually does, but I still keep my record intact and I will save that indefinite postponement perhaps for later on when there is something else I feel very strongly about.

I do rise today in a non-partisan manner, I assure you, to concur with the gentleman in his assessment of the situation. I believe that if we should pass an order similar to this, set up a committee, all is going to end up doing is delaying the process. We have been seeing delays over the last couple of weeks. I just don't feel that this particular order is going to serve any great purpose at all.

We have a Committee on Labor, they have been working. I guess I would submit to the House that perhaps they ought to be sending the bills up to the floor of the House so that we could debate them, debate them, debate them on their individual merits and not have some super committee dealing with an issue that the House is yet to deal with.

I think the difference here between the highway funding issue and this issue is that the highway funding issue does pertain to more committees, has a greater impact on the state budget certainly than this one does, and there are significant amounts of other issues that become involved besides partisan politics, needless to say.

Again, I just feel that each particular piece of legislation should be debated on its own merit and I don't think a compromise package necessarily is what is going to solve the position here for the state of Maine but perhaps it is. I have tried in the last couple of weeks to be

very non-partisan and objective in my assessment of how I see the workers' compensation system and pieces of legislation being handled. I have answered questions from the press on how I felt the Democratic proposal the other day was structured, I answered them, I have not felt that it was necessary that I make a big splash about it because I feel that the pieces of legislation are a lot more important than any particular partisan rhetoric that I could evolve to the press.

So, I think we ought to dispose of this order today. Let's proceed down the road of reaching a solution to our workers' compensation problems and let's not kind of muddy the waters up with another issue that really isn't going to solve anything at this point in time other than just another delaying tactic, and I don't accuse the gentlelady from Waterville of having an ulterior motive here, I just feel that that is what is going to happen. It is going to be something else that is sitting around, people are going to say, well, somebody else will handle it, I don't have to worry about it. We have got to handle it here on the floor of the House, and the quicker we get it, the better off we will all be.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I do detect a desire among many people on both sides of the aisle for me to withdraw this order at this time and later on in the session, if we are not able to come to some agreement on ways to deal with our workers' compensation system, at that time to put in a joint order requesting such a study. I will be willing to do that just so that you won't have to vote on this order today.

I have talked to several people this morning who have indicated that they really did not want to go along with it this time, and because of that I am willing to withdraw that motion.

The SPEAKER: The gentlelady from Waterville, Mrs. Kany, withdraws the Order.

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

Ought Not to Pass

Representative Mahany from the Committee on Agriculture on Bill "An Act Concerning the Transmission of Rabies by Unvaccinated Dogs." (H. P. 919) (L. D. 1090) reporting "Ought Not to Pass"

Representative Soulas from the Committee on Legal Affairs on RESOLVE, Authorizing Nancy Huber to Bring Suit Against the State of Maine (H. P. 1127) (L. D. 1344) reporting "Ought Not to Pass"

Representative Brennerman from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase the Salaries and the Limit of Compensation for the Several District Attorneys" (H. P. 1264) (L. D. 1479) reporting "Ought Not to Pass"

Representative Davis from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Group Medical-Health Care Insurance Benefits to Judicial Employees" (H. P. 1234) (L. D. 1459) reporting "Ought Not to Pass"

Representative Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funding for Respite Care for the Families of Physically and Emotionally Handicapped and Retarded People" (H. P. 788) (L. D. 942) reporting "Ought Not to Pass"

Representative Chonko from the Committee on Appropriations and Financial Affairs on Bill "An Act to Preserve Intact Low Income Families by Allowing them to Participate in the Aid to Families with Dependent Children Program" (H. P. 979) (L. D. 1167) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent to the Senate.

Leave to Withdraw

Representative Brennerman from the Committee on Appropriations and Financial Affairs on RESOLVE, Appropriating Funds for Attorneys' Fees and Costs in the Case of *Thiboutot v. Maine* (H. P. 1032) (L. D. 1220) reporting "Leave to Withdraw"

Representative Davis from the Committee on Appropriations and Financial Affairs on Bill "An Act to Amend the Spruce Budworm Suppression Act" (H. P. 1005) (L. D. 1251) reporting "Leave to Withdraw"

Representative Racine from the Committee on Business Legislation on Bill "An Act Covering Degrees Programs for Real Estate Agents" (H. P. 1119) (L. D. 1336) reporting "Leave to Withdraw"

Representative Swazey from the Committee on Legal Affairs on RESOLVE, Authorizing Rodney W. Ross, Jr. to Bring Civil Action Against the State of Maine (H. P. 849) (L. D. 1012) reporting "Leave to Withdraw"

Representative Gavett from the Committee on Business Legislation on Bill "An Act to Require an Examination for Real Estate Brokers Seeking Credit for Continuing Education Attendance" (H. P. 489) (L. D. 541) reporting "Leave to Withdraw"

Representative Jackson from the Committee on Business Legislation on Bill "An Act to Eliminate Rule-Making Authority under the Bottle Bill and to Repeal Changes made in the Bottle Bill since it was Approved by the Voters" (H. P. 95) (L. D. 125) reporting "Leave to Withdraw"

Representative Jackson from the Committee on Business Legislation on Bill "An Act Concerning Cancellation of Individual Health Insurance Policies" (H. P. 1228) (L. D. 1447) reporting "Leave to Withdraw"

Representative Gwadosky from the Committee on Business Legislation on Bill "An Act Concerning Television Receiving Equipment" (H. P. 933) (L. D. 1103) reporting "Leave to Withdraw"

Representative McCollister from the Committee on Health and Institutional Services on Bill "An Act to Require Retention of Prescription Records" (H. P. 1208) (L. D. 1423) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Pursuant to Joint Order H. P. 264

Representative Stover from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1981 (Emergency) (H. P. 1380) (L. D. 1557) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 264)

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

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Bill "An Act to Recover Certain Refund Values Retained under the Beverage Container Law" (H. P. 1382) (Presented by Representative Higgins of Scarborough) (Cosponsors: Representative Post of Owl's Head and Senators Perkins of Hancock and Clark of Cumberland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Consent Calendar

First Day

(H. P. 779) (L. D. 924) Bill "An Act to Regulate Entrance Fees Charged by Mobile Home Parks" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 938) (L. D. 1108) Bill "An Act to Amend the Law Prohibiting Law Enforcement Officers from Soliciting Funds" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 1152) (L. D. 1373) Bill "An Act to the Transport of State Prisoners in Knox County" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-239)

(H. P. 1008) (L. D. 1204) Bill "An Act Concerning the Payment of Burial Expense for Certain State Wards" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-240)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 28, under listing of Second Day.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Special Sentiment Calendar

Recognizing:

Christine Colbath, daughter of Mr. & Mrs. William Colbath of Presque Isle, who was crowned Miss Presque Isle on April 18, 1981; (H. P. 1384) by Representative MacBride of Presque Isle. (Cosponsors: Representative Lisnik of Presque Isle and Senator McBreairey of Aroostook)

There being no objections, this item was considered passed and sent up for concurrence.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

On motion of Representative LaPlante of Sabattus the following Joint Order: (H. P. 1383)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out to the House a bill to increase the amount of the real estate transfer tax retained by counties.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Protect Works of Art" (H. P. 493) (L. D. 545) which was tabled earlier in the day and later today assigned pending acceptance of the "Leave to Withdraw" report.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I am fully aware of the fact that this is a dead issue. I don't wish to take a vote on it, I don't want to substitute the bill for the report or whatever, but it is a very important issue that I would like to talk to you about for just a few minutes. I am not asking for a vote. I think it is important.

Two years ago, the Samoset Hotel worked with a sculptor by the name of Bernard Langley. Bernard Langley, or Blackie as he is called, did a lot of wonderful bead wooden sculptures and the hotel and the architect worked with Mr. Langley to build a beautiful piece of sculpture. The sculpture was designed and built and placed on the property of the Samoset Hotel, and because it didn't look right after awhile, the hotel took a chain saw and cut it into pieces. Bernard Langley had died just months before. At the time of the cutting down, the chain sawing of that piece of sculpture, it is estimated that the sculpture was worth between \$10,000 to \$40,000. The hotel never paid Mr. Langley for that sculpture. The question is,

did Mrs. Langley have any rights to the piece of sculpture? And by law, right now, she didn't. There is no "moral rights" of an artist; there is no contractual rights. Once someone purchases something, it is theirs to do with as they wish.

I introduced a piece of legislation which was amended that simply stated that works of art in a public place could not be destroyed willy-nilly unless there was a contractual right between the artist and the person he sold it to. I defined fine art, so we are just not asking about a piece of junk on somebody's lawn. It was clearly defined and would be defined by the Arts and Humanities Commission. I tried to define public place so it wouldn't be in your home; that, indeed, it would be public. But evidently it sought very little support on the committee. But it is important because it is an important issue to think about and perhaps in time, maybe with the 111th Legislature or whatever, it might be addressed.

I know it is not a world shattering kind of problem, it doesn't cost any money, but it is a right, and I would just like to read into the record this statement: "That property and contract theory have traditionally been applied to the buying, selling and owning of art, but because there are maybe times when more fundamental considerations like individual moral rights are in question, perhaps there need to be other applicable, legal theories. The fact that rights to property must sometimes yield to the rights of person is well recognized by the law. Without such recognition, creative works would go unprotected and would be vulnerable to misrepresentation or distortion or even destruction as was Bernard Lanley sculpture. Artistic creation, unprotected by regard for the artist's moral right, might cease to be art at all."

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I am glad that the gentlelady from Portland, Mrs. Nelson, rose and said a few words on this particular bill.

This area had some sympathy on the Committee on Judiciary. It is a very sensitive area, it is an area which I feel in years to come will be addressed. Unfortunately, because of major issue before the Judiciary Committee, we were unable to grasp and tackle with the many issues that are involved in L. D. 545, but I would like to commend the gentlelady from Portland, Mrs. Nelson for her sensitivity in this whole area regarding the protection of works of art.

Thereupon, the Leave to Withdraw Report was accepted and sent up for concurrence.

(Off Record Remarks)

Bill Held

Bill, "An Act to Provide for Enforcement Inspections under the Minimum Wage Rate on Construction Projects Law" (H. P. 432) (L. D. 479)

-In House, House Accepted Minority "Ought Not to Pass" Report on April 21.

Held at the request of Representative Kelleher of Bangor.

Mr. Kelleher of Bangor moved that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Hickey of Augusta,
Adjourned until nine-thirty tomorrow morning.