

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

***Volume II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

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**HOUSE**

Friday, September 25, 1981

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and Tenth Legislature in extra session, the members of the House of Representatives assembled in their hall at 10:00 o'clock in the morning and were called to order by the Speaker.

Prayer by the Reverend George Bland of the South Paris Congregational Church, Augusta.

The members stood at attention during the playing of the National Anthem by the Wiscasset High School Band.

A roll call was taken. 145 members answered to their names and accordingly a quorum was found to be present.

Those absent were: Representatives Baker of Portland, Gavett of Orono, Hickey of Augusta, Michael of Auburn, Smith of Mars Hill.

On motion of Representative Mitchell of Vassalboro, it was

**ORDERED**, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives was assembled in the Hall of the House for the consideration of such business as may come before the House.

The Chair appointed the following members:

PEARSON of Old Town  
JALBERT of Lewiston  
CARTER of Winslow  
KELLEHER of Bangor  
CHONKO of Topsham  
BRENERMAN of Portland  
ALOUPIS of Bangor  
DAVIS of Monmouth  
LANCASTER of Kittery

Subsequently, Mr. Pearson of Old Town reported that the Committee had delivered the message with which it was charged.

On motion of Representative Diamond of Windham, it was

**ORDERED**, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

Mrs. Mitchell of Vassalboro was appointed to convey the message and subsequently reported that she had delivered the message with which she was charged.

**Messages and Documents**

The following Proclamation:

WHEREAS, there exists in the State of Maine an extraordinary occasion whereby the President and the Congress have enacted legislation changing certain categorical programs funded and administered by the Federal Government into block grants which may be administered by state governments; and

WHEREAS, implementation of these block grants by the states is scheduled to begin on October 1; and

WHEREAS, the State of Maine has indicated to the appropriate Federal agencies its intention to administer several of the new block grant programs effective October 1; and

WHEREAS, the 1st Regular Session of the 110th Legislature enacted legislation requiring legislative approval of the block grants prior to their implementation; and

WHEREAS, it is desirable to continue these programs which serve Maine people, including our elderly, ill and most needy citizens, without interruption and through state administration;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Friday,

the twenty-fifth day of September, 1981 at ten o'clock in the morning, in order to receive communications, enact a block grant authorization bill, and conduct such other legislative business as may be appropriate.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this eleventh day of September in the Year of Our Lord Nineteen Hundred and Eighty-one.

S/JOSEPH E. BRENNAN

Governor

ELSIE S. BOWEN

Deputy

Secretary of State

A true copy. JAMES S. HENDERSON

Attest: Deputy Secretary of State

The Communication was read and ordered placed on file.

At this point, a message was received from the Senate, borne by Senator Pierce of Kennebec of that body, informing the House that a quorum was present and that the Senate was ready to transact such business as might properly come before it.

**Passed to be Engrossed**

Bill "An Act to Clarify the Status of Certain Real Estate Titles in the State" (H. P. 1706) (Presented by Representative Hobbins of Saco) (Cosponsors: Senators Devoe of Penobscot, Sewall of Lincoln and Conley of Cumberland) (Governor's Bill)

Committee on Judiciary was suggested.

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.

Bill "An Act Concerning the Sale and Use of Drug Paraphernalia" (Emergency) (H. P. 1708) (Presented by Representative Paradis of Old Town) (Cosponsors: Representatives Matthews of Caribou, Prescott of Hampden, and Brown of Livermore Falls) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Judiciary was suggested.

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.

**RESOLVE**, to Authorize Franklin County Commissioners to Expend no more than \$120,000 to Subsidize the Farmington Branch of the Maine Central Railroad (Emergency) (H. P. 1709) (Presented by Representative Dexter of Kingfield) (Governor's Bill)

Committee on Local and County Government was suggested.

Under suspension of the rules, the Resolve 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.

Bill "An Act to Require State Bond Issues Passed at the First Regular Session and the First Special Session of the 110th Legislature to Include all Interest Involved for each Question and to be Placed on the Ballot" (Emergency) (H. P. 1707) (Presented by Representative Jalbert of Lewiston) (Cosponsors: Senators Huber of Cumberland and Collins of Knox and Representative Pearson of Old Town) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on State Government was suggested.

Under suspension of the rules, the Bill was read twice.

Mrs. Mitchell of Vassalboro offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-574) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: The amendment that I am offering to the bill, which requires that the interest rate on individual bond issues be spelled out this November, is an amendment requested by bond counsel. They were very concerned that we be very careful in our wording so as to make sure when the voters accepted a bond issue that we would not inadvertently destroy that ratification process.

The amendment says that if the estimate of the debt service turns out to be lower than the actual cost of the debt service, that the bond issue accepted by the voters is still valid.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

At this point, a message came from the Senate, borne by Senator Collins of Knox of that body, proposing a convention of both branches of the Legislature to be held at 10:30 a.m. in the Hall of the House for the purpose of extending to His Excellency, Joseph E. Brennan, Governor of Maine, an invitation to attend the convention and to make such communication as he may be pleased to make.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:30 a.m., and the Speaker appointed Representative Mitchell of Vassalboro to convey that message to the Senate.

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

Bill "An Act Making Appropriations, Authorizations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Relating to Federal Grants Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) (S. P. 717) (L. D. 1697)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

By unanimous consent, ordered sent forthwith.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

**In Convention**

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Collins of Knox, it was **ORDERED**, that a Committee be appointed to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the two branches of the Legislature are in convention assembled ready to receive such communication as he may be pleased to make.

The Chairman appointed:

Senators:

HUBER of Cumberland  
PERKINS of Hancock  
NAJARIAN of Cumberland

Representatives:

PEARSON of Old Town  
JALBERT of Lewiston  
CARTER of Winslow  
KELLEHER of Bangor  
CHONKO of Topsham  
BRENERMAN of Portland  
ALOUPIS of Bangor

DAVIS of Monmouth  
LANCASTER of Kittery

Senator Huber, for the Committee, subsequently reported that they had delivered the message with which they were charged, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Honorable Members of the House and Senate of the 110th Legislature:

I have asked you to be here for one reason and for one reason only — it is necessary. It is essential that you act prior to October 1.

Failure to act could mean hardship, in some cases suffering, for many of the neediest people in our state, people this Administration and this and previous Legislatures have acted to help in times past.

People who depend on us.

People in your towns, in your neighborhoods, whose health, well-being, whose freedom to live outside the confines of unnecessary institutionalization depends on the decisions that you make here today.

I believe the need for this legislation is well understood by now.

All of you have had an opportunity to study it.

I have discussed it in detail with your leadership and with the Joint Standing Committee on Appropriations and Financial Affairs.

I appreciate the careful study your Appropriations Committee and the Committee on Health and Institutional Services have given to the bill.

I appreciate the compassion and sensitivity they have brought to their deliberations.

I appreciate the hard work and the cooperative spirit that prevailed during this past week.

My bill is in three parts.

First, we propose a modest appropriation to ensure that we can continue to maintain the current assistance levels for people receiving certain health and social services which have been reduced by Congress at the President's request, programs such as homemaker services, health care and aid to the handicapped.

There has been some disagreement over whether we should fund for the current year or whether we should follow the usual practice of budgeting for the biennium.

To me, that is a secondary issue.

What really matters is that we not disrupt for even a day some of these vital services.

The second part of the bill accepts our share under the new block grant system.

I can appreciate that this new approach and the complexity of the language is confusing to many who administer and receive assistance under the many programs folded into a block grant.

And I well understand your frustration in not being able to know in advance exactly how much money Maine will receive under these block grants.

The fact is, I share this frustration.

Trying to plan effectively has been hampered all year long by the consistent unavailability of definitive financial information regarding the block grants.

So our bill has incorporated the best information available to us.

And it respects your prerogative by incorporating into law my commitment to consult with you on any significant variation in financing.

Let me tell you what the consequences of not acting might be:

We would be placing in jeopardy a great deal of federal funding.

Not a delay in receiving it, but a permanent loss.

And we simply cannot afford that.

Not when these programs reach Maine with a 25 percent reduction already built in.

And not when the President has requested even further reductions in these services.

As you heard him say last night on television, and as he told me yesterday at the White House, he now proposes to take even more money—another 12 percent—away from these programs.

In addition to the possible loss of funding, we would lose some of the flexibility that is the best feature of the block grant system.

In the Maternal and Child Health Block Grant, for example, failure to act could mean that we would lose the freedom to use that money as we believe is in the best interest of Maine people. We would be passing up the opportunity to make our own decisions on how to spend that money, and letting someone in Washington tell us how it should be used—instead of someone here in Augusta.

Crippled children, victims of rape, the aged poor receiving winter energy assistance, the mentally ill, these and many, many others are dependent upon the money in these six block grants.

People with real needs.

Needs you have not ignored in the past.

Needs you cannot ignore now.

Needs that must be addressed today.

The third part of my bill appropriates money from the new alcohol premium you approved earlier.

It funds worthwhile programs to treat and prevent alcoholism.

There are some other matters for your consideration today. You will also be asked to pass a slightly revised version of the submerged lands bill.

Though I had some real concerns about this bill, the Justices of the Maine Supreme Judicial Court have advised me that it is constitutional. So we have made some minor clarifications to improve it, and we are submitting it now so that your intention to pass it this year can be achieved.

And I am asking you to pass a bill to authorize the commissioners of Franklin County to spend some of their funds to assist with the operations of the Farmington branch of the Maine Central Railroad.

That bill is an important economic factor to that section of the state which so badly needs assistance.

I ask for your support on all of these bills.

Before leaving you to your deliberations, I would like to offer a closing thought about the social service programs now under consideration.

There is a mood in the country today, a new mood; the cover of a national magazine recently summed it up:

It said it's fashionable again to be wealthy and to flaunt it, and that's fine, so long as this mood does not serve as an excuse to turn our backs on the people who have no wealth to flaunt.

People who, through no fault of their own, and, indeed, often despite their very best efforts, cannot take care of themselves.

People who do not choose to be helpless, crippled, ill, or aged, but are, nonetheless.

For that is the reality of being needy in Maine.

The cynical, the welfare cheat, the people who won't work, they are out there, but they are the minority, the exception.

And we are making every effort to root them out.

They should never be used as a reason to deny our compassionate support for those who truly need your help.

At the conclusion of his address, the Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the

Chairman declared the same dissolved and the Senate retired to its Chamber amid applause of the House, the members rising.

### In the House

Called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Strout of Corinth,  
Recessed until 11:30 p.m.

### After Recess

The House was called to order by the Speaker.

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

#### Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill, "An Act Making Appropriations, Authorizations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Relating to Federal Grants Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (S. P. 717) (L. D. 1697) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 718) (L. D. 1702)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

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

#### Passed to be Enacted

An Act to Clarify the Status of Certain Real Estate Titles in the State (H. P. 1706) (L. D. 1698)

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.

By unanimous consent, ordered sent forthwith.

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

#### Passed to be Enacted Emergency Measure

An Act to Require State Bond Issues Passed at the First Regular Session and the First Special Session of the 110th Legislature to Include all Interest Involved for each Question and to be Placed on the Ballot (H. P. 1707) (L. D. 1699) (H. "A" H-574)

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. 129 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.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

#### Passed to be Enacted Emergency Measure

An Act Concerning the Sale and Use of Drug Paraphernalia (H. P. 1708) (L. D. 1700)

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. 133 voted in favor of same and one against, and accordingly the Bill was passed to be enacted signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

#### **Finally Passed Emergency Measure**

RESOLVE, to Authorize Franklin County Commissioners to Expend no more than \$120,000 to Subsidize the Farmington Branch of the Maine Central Railroad (H. P. 1709) (L. D. 1701)

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. 133 voted in favor of same and 4 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

(Mr. Jalbert of Lewiston was excused from voting pursuant to Joint Rule 10)

By unanimous consent, ordered sent forthwith to the Senate.

The following paper from the Senate was taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 719)

#### **JOINT RESOLUTION HONORING GEORGE MURRAY OF MILLINOCKET ON COMPLETING THE FIRST TRANSCONTINENTAL CROSSING BY WHEELCHAIR**

WHEREAS, 1981 has been proclaimed by the United Nations as International Year of Disabled Persons; and

WHEREAS, to celebrate that event, a Millinocket native, who was appointed Ambassador for the International Year of Disabled Persons, has, along with another individual, performed an historic feat never before accomplished; and

WHEREAS, this Maine native, a paraplegic since the age of 14, has successfully crossed the United States from California to New York in a wheelchair, a distance of 3,400 miles; and

WHEREAS, this remarkable accomplishment demonstrates the courage, ability and perseverance of disabled persons and stands as an inspiring symbol to show other disabled persons what can be accomplished; and

WHEREAS, to show his support for the Pine Tree Easter Seal Society of Maine, this Maine native has continued his quest from New York to his former home town of Millinocket; now, therefore, be it

RESOLVED: That We, the Members of the 110th Legislature on behalf of the People of Maine take this opportunity to honor George Murray, of Millinocket, and to congratulate him and his colleague, Phil Carpenter of Holiday, Florida, on their outstanding accomplishment during the International Year of Disabled Persons.

Came from the Senate read and adopted.

In the House, under suspension of the rules, the Resolution was read and adopted in concurrence.

#### **Special Sentiment Calendar**

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

City of Portland firefighters John Bellino, Stephen Newcomb, Harold Stoddard and Stephen Hastings who risked their lives to save a 17-month old child; (H. P. 1710) by Representative Beaulieu of Portland.

The Portland North Babe Ruth team, coached by Ron Lemieux, Maine's first Babe Ruth World Series representative, which fin-

ished fourth in the nation; (H. P. 1711) by Representative Ketover of Portland.

In Memory of:

Dr. Leroy Greenlaw, of Auburn, outstanding citizen and humanitarian, who served unselfishly as athletic examiner for the Maine Athletic Commission; (H. P. 1712) by Representative Boyce of Auburn. (Cosponsor: Representative Jalbert of Lewiston)

There being no objections, these Expressions of Legislative Sentiment were considered passed or adopted.

#### **Special Sentiment Calendar**

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment) Recognizing:

The 150th Anniversary of the Sisters of Mercy established on December 12, 1831 in Dublin, Ireland; and established in the U.S. by Catherine McCauley in 1841 and in Maine in 1865; (S. P. 720)

There being no objection, this Expression of Legislative Sentiment was considered passed in concurrence.

#### **Special Sentiment Calendar**

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

Thomas Hundley, son of Mr. and Mrs. Robert Hundley, on attaining the high rank and distinction of Eagle Scout. (S. P. 721)

Mark Hutchins, son of Mr. and Mrs. Raymond E. Hutchins, on attaining the high rank and distinction of Eagle Scout. (S. P. 722)

James Wright, son of Mr. and Mrs. Peter Wright, on attaining the high rank and distinction of Eagle Scout. (S. P. 723)

Dick Figoli, of Hallowell, in appreciation of many years of kind attention and service to those who are retarded or handicapped. (S. P. 724)

There being no objections, these items were considered passed in concurrence.

The SPEAKER: The Chair would make note for the purposes of this session and future sessions, when the Legislature is in session, this being a public hall, no smoking will be allowed between sessions, after sessions, pursuant to the law which you have adopted. I believe it is called the "Clean Air Act." If you wish clarification of this law, you might talk to the gentleman from Kingfield, Mr. Dexter. So all ashtrays will be removed from this chamber after this session and will not be seen again.

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

#### **Passed to be Enacted Emergency Measure**

An Act Making Appropriations, Authorizations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Relating to Federal Grants Necessary to the Proper Operation of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983 (S. P. 718) (L. D. 1702)

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 and Members of the House: As you all know, the Audit and Program Review Committee is presently reviewing under the Sunset Law the Department of Human Services, and because of the many changes under the block grants, we have not been able to come before you with our firm recommendations today. However, the committee has unanimously elected to have us read into the record a statement of our position, which is that our vote today does not limit our opportunity or responsibility to comment or to make recommendations next session on any of the

human services programs addressed in L.D. 1697. We may very well come back to you in January suggesting changes in some of the same programs we are acting on today. At that time, we will present our recommendations for your further consideration in accordance with our established censor process.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would like to pose a question to the chairman or any member of the Appropriations Committee. On Page 3 of the bill with respect to the AFDC program, it appears that a new amount of \$1 million has been deleted from the AFDC. I would like to know if that is true, if that is the exact amount of money that has been transferred out of that account, on what information the committee made its decision to do that and for what purposes that money has been transferred — how will it be used?

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to that question, the committee has, in effect, deappropriated a net of \$1 million from AFDC. It was made possible because of a \$2.4 million surplus in the account due to some of the changes that have taken place in the administration in Washington. We put the money into the General Fund, and if you wish, you can assume that that same money came out of the General Fund to fund this bill for a period of nine months.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be voting against this measure today and I would like to make clear for the record my reasons for doing so.

First of all, I would like to say that I am not opposed to the block grant concept; in fact, I am very much in favor of this concept. What I am opposed to today is the small appropriation of \$222,000. I am only against this General Fund appropriation in this bill and I am wondering why it needs to be there.

First of all, if we have been able to cut as much money as we have, why couldn't we go all the way? I really do not understand that.

Secondly, I would like to point out to all of us, or clarify for us, that this is not, of course, all that we are spending for human services in the State of Maine. The Part I budget is, of course, providing for human services, and we have also passed several new programs recently that are going to be helping in human services; for example, the displaced homemaker bill that we passed last spring and the new tax on alcohol that we also passed last spring.

One of my problems with this bill is that I am concerned about duplication of services, and I am very pleased that the Audit and Program Review Committee is going to be studying this area, but I am a bit unclear why we are perhaps duplicating services with this so-called appropriation from the surplus that we might already be funding under the Part I budget or through the block grant.

But my real reason for voting against this today is that I am trying to vote for what I believe the people in my district want. First of all, when I was campaigning last fall, people complained to me bitterly about the cost of welfare and seemed to feel that we needed to make cuts in this area, and rather drastic cuts.

Secondly, in attending several town meetings last spring, as so many of us did, we watched the towns that we represent faced with approximately 15 social services that they used to fund, suddenly paring those down drastically to one or two programs that they would continue

to fund. So it seems to me that at that local level people are tired of paying these drastic amounts of money, and I don't mean the rich are tired of paying, I mean those people with relatively low paying jobs who are paying taxes to support their neighbor who ought to be working as well.

I do believe that we must provide money for the elderly, for the handicapped, for the crippled children that cannot help themselves, but I think that that money is here in our present appropriations both from the General Fund and through proper use of block grant money.

The only real reason I have been given for why we should act today on this measure is that we need to buy time, but I would like to remind you that necessity is the mother of invention and perhaps we will continue to buy time for the rest of our lives if we don't act today.

These are my reasons for voting against this today. I do believe that we must help those that cannot help themselves, and I do believe that the money is there to help those people.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the comments of the Representative from Auburn, Miss Lewis, I would like to say that the sum of money that we are appropriating from the General Fund is a very modest sum; it is \$222,000, and it is because we care, and I refer you to the second page of the bill, it is because we care about nursing services for the ill and services to high risk mothers.

It is because we care about lead testing, gonorrhea screening, rabies testing and vaccine supplies to prevent disease.

It is because we care about family planning and it is because we care about day care and mental health and mental retardation, and it is because we care about transportation for people who can't get to those services, and for homemakers.

It is because we care about the blind and it is because we care about all of those things that this state has traditionally funded.

We find ourselves in the situation that if we do not appropriate that modest sum of money, those services that we have rendered to those people will not be available in as fine a measure as it is now.

I would point out to this group and to the entire state that we probably aren't doing enough in any one of those areas as it is, and for us to slide back further would be a travesty.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I just wanted to clarify something that the gentleman from Auburn has said, that contrary to the belief of many of the people here, the displaced homemaker program is not a program that you would deal with welfare. It is a program that our President speaks of of putting people to work. This is a work program for women who must work. It is appropriately placed not in Human Services, it is not a human service program, it is placed in the Department of Manpower Affairs where people who want to work and who can work will get work.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

141 having voted in the affirmative and one having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supple-

ment No. 8 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 725)

ORDERED, the House concurring, that Bill "An Act to Clarify the Status of Certain Real Estate Titles in the State," Senate Paper 598, Legislative Document 1594, be recalled from the Governor's Desk to the Senate.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

By unanimous consent, ordered sent forthwith.

Mr. Hobbins of Saco was granted unanimous consent to address the House.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I would like to take a few minutes of your time today to put on the record some comments in regard to the redraft of L.D. 1594, which is known as the submerged lands bill.

This legislature has just taken action on this legislation, and it was introduced because it was the quickest way constitutionally for this concept to become law.

As you know, the Governor had doubts about the constitutionality of L.D. 1594 so he did not sign the bill immediately upon having this legislation arrive on his desk. Instead, he asked the Supreme Judicial Court for an advisory opinion on the constitutionality of the bill.

On August 27, 1981, the Justices of the Law Court advised the Governor, in an extensive 20-page opinion, that the bill concerning the filled-in submerged lands was not inconsistent with the trust obligations of the Legislature concerning public lands.

The reasons the Justices gave were as follows:

1) Clearing title would advance commercial development of this land in the public interest.

2) The courts gave the opinion and accepted the legislative finding that these lands were not substantially valueless.

3) The court found that the public interests in the truly currently submerged lands would not be impaired by this conveyance.

4) The court agreed that there was a widespread public expectation that these lands had all along been private and people had relied on that assumption.

5) The court found that the State would retain its regulatory power of these lands which, in fact, would protect the public interest.

The Governor had asked for this Advisory Opinion fully expecting to rely on the guidance of the Justices in deciding how to respond to this legislation.

When the Justices reached their decision, the Governor felt that he had taken all necessary precautions to protect the public interest and was then prepared to take whatever steps were necessary to permit the early enactment of this legislation.

However, under Article IV, Part 3, Section 2 of the Maine Constitution, it appeared that having held L.D. 1594 for more than 10 days following the end of the First Regular Session, it could not become law until the next time the Legislature met in a session of three or more days. It also became apparent that no special session between August and January was likely to last three legislative days.

Should L.D. 1594 be held until January, it could not become law until 90 days following the conclusion of the Second Regular Session — most likely sometime in June of 1982.

Under these circumstances, the best course of action would be to permit this bill to become law at the earliest possible time, and that would be for the legislature to recall L.D. 1594, which we have, and to substitute new legislation which would become effective 90 days after this special session.

An emergency bill probably would not be constitutional because the Maine Constitution prohibits conveyance of interest in state-owned

real estate on an emergency basis under Article IV, Part Three, Section 16.

The bill which was considered today, therefore, is a redraft of L.D. 1594, with some slight technical improvements that are fully explained in the Statement of Fact. These revisions have been reviewed with the counsel of the Department of Conservation, Bath Iron Works, private property owners and others and are fully satisfied with the results of this redraft.

If I may take a few more moments, I will explain these briefly to you for the record.

The first change is in subsection 2-a and substitutes the word "on" October 1, 1975, for the words "as of" that date. The reason is to make it clear that only structures that actually existed on that date would be eligible under this Act, and not the claims of those who might formerly have had a structure that had washed away or been removed prior to that date.

Obviously, this bill applies to any eligible structure in existence on that date regardless of the date on which it was constructed.

The second change is the addition of a new second sentence to subsection 4 to make it clear that conveyance is made by subsection 3 and procedure in subsection 4 is merely to allow a convenient administrative mechanism to allow people to establish that a given tract of land was in fact filled on October 1, 1975.

Also in subsection 4, a new requirement is added to provide that when an applicant seeks a declaration from Public Lands, he must notify his co-owners so they can take part in the application procedure.

Finally, in subsection 4 it is made clear that the \$50 filing fee, which is already provided for in L.D. 1594, is to be used to defray the administrative cost of the application procedure.

The next changes are in subsection 7 and are intended to make it clear that the State is in no way to be held liable in private title disputes or because of any mistakes it might make in confirming that a piece of land did or did not fall within the accepted scope of this Act.

Finally, the revision makes it clear that the usual laws concerning natural real estate in Maine will apply to filled-in submerged lands under this Act.

In case in future years questions are raised as to the status of the filled lands released by this Act as compared to natural upland along the coast and great ponds, it should be noted that it is the intent of this Legislature that this filled land is subject to any and all rules of law to which natural upland is subject. These rules of law include those relating to natural accretion and reliction (that is, the natural filling and erosion of land) as well as the public rights in the intertidal zone.

Indeed, this Act, in a sense, when it goes into effect, really creates a new natural high and low water marks, the actual water marks on the day of October 1, 1975.

Certainly, it is not the intent of this legislation and the Legislature to give the owners of the filled lands involved in this Act any rights greater than owners of natural upland. Simply, this Act places the owners of such filled land on the identical legal footing as owners of natural upland, not more, not less.

I appreciate you bearing with me for one more moment through this rather complex explanation of what is truly one of the most complex bills that this Legislature has faced.

There is no doubt but that the Legislature will have to deal with other issues concerning the submerged lands along the coast and in the great ponds in the future. These issues will also be difficult and complex.

I hope that we will approach it with the same care and deliberation that it was handled by the Judiciary Committee, by the Governor's Office, and by the Supreme Judicial Court in the future, for the submerged lands are among the most valuable and important assets which the Legislature of this State holds in trust for

the people of Maine.

#### House at Ease

Called to order by the Speaker.

The following Joint Resolution: (S. P. 726)  
JOINT RESOLUTION HONORING  
SANDRA DAY O'CONNOR ON HER  
CONFIRMATION AS ASSOCIATE JUSTICE  
OF THE UNITED STATES  
SUPREME COURT

WHEREAS, the Honorable Sandra Day O'Connor will soon join the United States Supreme Court as the 102nd Associate Justice in the 191 year history of the court; and

WHEREAS, this marks a truly historic occasion, ending an all-male tradition while recognizing the tremendous contributions which a woman can make to the high court; and

WHEREAS, the nomination and confirmation of Mrs. O'Connor has generated effusive praise from all regiments of government and society; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 110th Legislature on behalf of the People of Maine, hereby extend our congratulations and best wishes to the Honorable Sandra Day O'Connor; and be it further

RESOLVED: That a suitable copy of this Resolution be immediately submitted by the Secretary of State to the Honorable Sandra Day O'Connor.

Came from the Senate read and adopted.

In the House, under suspension of the Rules, the Resolution was read and adopted in concurrence.

#### Special Sentiment Calendar

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

John Brown, on attaining the high rank and distinction of Eagle Scout; (H. P. 1713) by Representative Reeves of Newport. (Cosponsors: Representative Prescott of Hampden and Senator Emerson of Penobscot)

John Lankford, on attaining the high rank and distinction of Eagle Scout; (H. P. 1714) by Representative Reeves of Newport. (Cosponsors: Senator Emerson of Penobscot and Representative Prescott of Hampden)

Michael T. Carr, on attaining the high rank and distinction of Eagle Scout; (H. P. 1715) by Representative Reeves of Newport. (Cosponsors: Senator Emerson of Penobscot and Representative Prescott of Hampden)

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

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

#### Bill Recalled From Governor

An Act to Clarify the Status of Certain Real Estate Titles in the State (S. P. 598) (L. D. 1594) In House, Passed to be Enacted on June 19, 1981.

Came from the Senate Indefinitely Postponed having been recalled from the Governor pursuant to Joint Order (S. P. 725) in non-concurrence.

In the House, the Bill was indefinitely postponed in concurrence.

By unanimous consent, all matters acted upon were ordered sent forthwith.

By unanimous consent, the Chair appointed Mrs. Mitchell of Vassalboro to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Mrs. Mitchell reported that she had delivered the message with which she was charged.

By unanimous consent, the Chair appointed

the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House had transacted all business before it and was ready to adjourn without day:

PEARSON of Old Town  
JALBERT of Lewiston  
CARTER of Winslow  
KELLEHER of Bangor  
CHONKO of Topshan  
BRENERMAN of Portland  
ALOUPI of Bangor  
DAVIS of Monmouth  
LANCASTER of Kittery

Subsequently, Mr. Pearson of Old Town reported for the Committee that they had delivered the message with which they were charged.

At this point, a message came from the Senate, borne by Senator Collins of Knox, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The SPEAKER: I would like to take this opportunity to thank all of you first for coming and, second, for the cooperation you have demonstrated this week, those of you on Appropriations and other committees that held hearings either for confirmation or legislation. I suspect that we will be back, but I guess I can't be sure when, so just read the paper, watch what goes on in Washington, and you will, I am sure, figure it out.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I move the House stand adjourned without day.

The SPEAKER: The gentleman from Easton, Mr. Mahany, moves that the House adjourn without day. Is this the pleasure of the House?

The motion prevailed, and at 1:21 p.m. Eastern Daylight Saving Time, Friday, September 25, the Speaker declared the House adjourned sine die.