

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

HOUSE

Wednesday, March 15, 1983

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

Prayer by Rabbi Harry Z. Sky of the Temple Beth-El, Portland.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

March 14, 1983

The Honorable Edwin H. Pert
Clerk of the House
111th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Prevent Combining more than One Bond Issue Item in a Single Bond Issue Bill and to Correct Statutory Provisions Relating to Showing Bond Interest on Ballots." (H. P. 278) (L. D. 338)

Sincerely,
S/JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act Relating to the Municipal Recreation Fund Grants" (S. P. 340) (L. D. 1075)
Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

(Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources)

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

Bill "An Act to Increase Licensing Fees of Agencies within the Department of Business Regulation" (S. P. 355) (L. D. 1076)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Concerning Confidential Records and State Certification of Education Personnel" (Emergency) (S. P. 356) (L. D. 1077)

Came from the Senate referred to the Committee on Education and ordered printed.

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

Bill "An Act to Provide Municipal Authority over Siting Radioactive Waste Facilities" (S. P. 377) (L. D. 1162)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act Pertaining to License Revocation Notices Issued by the Commissioner of Inland Fisheries and Wildlife" (S. P. 357) (L. D. 1078)

Came from the Senate referred to the Committee on Fisheries and Wildlife and ordered printed.

In the House, was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Establish a Workers' Compensation Hearing Exemption for Agricultural Employers' Liability Insurance Claim Disputes" (S. P. 358) (L. D. 1079)

Came from the Senate referred to the Com-

mittee on Labor and ordered printed.

In the House, was referred to the Committee on Labor in concurrence.

Bill "An Act Concerning Fishways in Dams and Other Artificial Obstructions in Coastal Waters" (S. P. 359) (L. D. 1086)

Came from the Senate referred to the Committee on Marine Resources and ordered printed.

In the House, was referred to the Committee on Marine Resources in concurrence.

Bill "An Act Concerning Referenda and Bond Issue Questions" (S. P. 378) (L. D. 1163)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, was referred to the Committee on State Government in concurrence.

Bill "An Act to Increase Benefits under the Elderly Householders Tax and Kent Refund Act" (S. P. 379) (L. D. 1164)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, was referred to the Committee on Taxation in concurrence.

Bill "An Act to Require Motorcycle Driver Education Prior to Licensure to Operate a Motorcycle" (S. P. 364) (L. D. 1119)

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government (Highway Fund) and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985; Revising Certain Truck Size and Weight Laws; Clarifying Certain Motor Vehicle Laws and Providing for Improved Administration" (Emergency) (S. P. 365) (L. D. 1120)

Bill "An Act to Change References to the Public Utilities Commission in the Transportation Statutes" (S. P. 360) (L. D. 1081)

Came from the Senate referred to the Committee on Transportation and ordered printed.

In the House, were referred to the Committee on Transportation in concurrence.

Reports of Committees
Unanimous Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act Reducing the Experience Period for Receiving a Grade V Sewage Treatment Operator's License" (S. P. 251) (L. D. 797)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act Concerning the Provision of Services to Families with Runaway Juveniles" (S. P. 40) (L. D. 98)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Prohibit Unfair Competition from the State in Video Productions" (S. P. 165) (L. D. 520)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Ought to Pass in New Draft/New Title

Report of the Committee on Health and Institutional Services on Bill "An Act to Reinstate the Authority of the Division of Eye Care to Carry out Certain Aspects of its Prevention of Blindness Programs" (S. P. 181) (L. D. 548) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Provisions of the Medical Eye Care Program" (S. P. 376) (L. D. 1123)

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, the New Draft given its

first reading and assigned for second reading Wednesday, March 16.

Non-Concurrent Matter

Bill "An Act to Allow Access to Financial Records of Public Assistance Recipients" (H. P. 824) (L. D. 1064) which was referred to the Committee on Health and Institutional Services in the House on March 4, 1983.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Mrs. Nelson of Portland, the House voted to recede and concur.

Non-Concurrent Matter
Tabled and Assigned

Bill "An Act to Require the Proceedings of Nonprofit Hospitals to be Open to the Public" (H. P. 825) (L. D. 1065) which was referred to the Committee on Health and Institutional Services in the House on March 4, 1983.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Maximize the Availability of Certain Social Services by Providing for Income from Fees and Remove References to Federal Requirements which no Longer Exist" (H. P. 828) (L. D. 1066) which was referred to the committee on Health and Institutional Services in the House on March 4, 1983.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mrs. Nelson of Portland, the House voted to recede and concur.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Restrict the Period of Retroactivity of Taxation Legislation to no more than One Year (H. P. 849) (L. D. 1099) which was referred to the Committee on State Government in the House on March 7, 1983.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

In the House: On motion of Mr. Gwadosky of Fairfield, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Adjust the Service Fee and Allocations of the Low-level Waste Siting Commission" (Emergency) (H. P. 568) (L. D. 663) which was passed to be engrossed as amended by Committee Amendment "A" (H-41) as amended by House Amendment "A" (H-48) thereto in the House on March 8, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-41) as amended by House Amendment "A" (H-48) and Senate Amendment "B" (S-22) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Undedicate Funds Received from Public Reserve Lands" (S. P. 297) (L. D. 951) which was referred to the Committee on Energy and Natural Resources in the House on March 7, 1983.

Came from the Senate with that Body having adhered to its former action whereby the Bill was referred to the Committee on Appropriations and Financial Affairs.

In the House: On motion of Mr. Hall of Sangerville, the House voted to adhere.

Messages and Documents

The following Communication: (H. P. 918)
Department of

Inland Fisheries and Wildlife
284 State Street
State House Station 41
Augusta, Maine 04333

March 7, 1983

The Honorable Gerard P. Conley,
President of the Maine Senate
and

The Honorable John L. Martin,
Speaker of the Maine House of Representatives
Augusta, Maine 04333

Dear President Conley and Speaker Martin:
Legislative Resolves, Chapter 55 (1977), requests that we, the undersigned, submit an annual report on the status of fish passage at the Augusta Dam. Please accept this letter as evidence that we are meeting our obligations. To the best of our knowledge, there has been no change in the proposed upgrading of the hydro-generating facilities at the Augusta Dam. We have had no additional responses from the owner of the dam and must assume that retro-fitting or upgrading of this site will be contingent upon re-issuance of the Federal Energy Regulatory Commission license due to expire in 1993.

The fish passage facilities described in the U.S. Fish and Wildlife Service conceptual report previously submitted to your respective offices remains a viable document. To date there has been no monies provided to implement the construction phase.

If additional information would be of assistance to you or your staffs, please be advised that we are prepared to meet at your convenience.

Respectfully submitted,
S/GLENN H. MANUEL, COMMISSIONER
Department Inland Fisheries & Wildlife
and

Chairman, Atlantic Sea-Run Salmon Commission

S/SPENCER APOLLONIO, COMMISSIONER
Department of Marine Resources
and

Atlantic Sea-Run Salmon Commission

The Communication was read and ordered placed on file and sent up for concurrence.

Petitions, Bills and Resolves Requiring Reference

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

Judiciary

Bill "An Act to Create a Maine Sentencing Guidelines Act" (Emergency) (H. P. 916) (Presented by Representative Connolly of Portland) (Cosponsor: Senator Carpenter of Aroostook)

Committee on Appropriations and Financial Affairs was suggested.

On motion of Representative Carter of Winslow, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act Concerning Insurance Rates for Persons with Good Driving Records" (H. P. 917) (Presented by Representative McHenry of Madawaska) (Cosponsors: Speaker Martin of Eagle Lake and Senator Violette of Aroostook) (Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Designate the Director of Area Reference and Resource Centers as Permanent, Nonvoting Members of the Maine Library Commission" (H. P. 919) (Presented by Representative Soucy of Kittery) (Cosponsors: Representatives Crouse of Washburn, Murphy of Kennebunk, and Brown of Gorham) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24) (Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Prohibit 3rd Parties from Distributing Political Material on Behalf of a Candidate unless Authorized to do so by that Candidate" (H. P. 920) (Presented by Representative Rolde of York)

Bill "An Act to Restrict the Time During which a Candidate may Campaign before the General Election" (H. P. 921) (Presented by Representative McHenry of Madawaska)

Bill "An Act to Provide for Caucus and Convention Alternative for Making Nominations for Election" (H. P. 922) (Presented by Representative Nadeau of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Improve Remedies for Substandard Housing" (H. P. 923) (Presented by Representative Gauvreau of Lewiston)

Bill "An Act to Establish the Maine Natural Death Act" (H. P. 924) (Presented by Representative Mitchell of Freeport) (Cosponsors: Representatives Soule of Westport, Carroll of Gray, and Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Incorporate Last Best Offer Provisions into the Municipal Public Employees and the University of Maine Labor Relations Laws" (H. P. 925) (Presented by Representative Diamond of Bangor) (Cosponsors: Representatives Cox of Brewer, Weymouth of West Gardiner, and Senator Hayes of Penobscot)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Enable Law Enforcement Agencies to Dispose of Certain Property" (H. P. 926) (Presented by Representative Carrier of Westbrook) (Cosponsor: Representative Soule of Westport)

Bill "An Act Concerning Inspection of Hotel Records by Police Officers" (H. P. 927) (Presented by Representative Reeves of Pittston) (Cosponsor: Representative Reeves of Newport)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Concerning Menhaden Fishing in Casco Bay" (H. P. 928) (Presented by Representative Livesay of Brunswick) (Cosponsors: Representatives McGowan of Pittsfield, Cahill of Woolwich, and Senator Clark of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Reincorporate and Amend the Charter of the North Berwick Water District" (Emergency) (H. P. 929) (Presented by Representative Wentworth of Wells) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Adjust Certain Motor Vehicle Title Fees" (H. P. 930) (Presented by Representative Carroll of Limerick)

Bill "An Act Relating to Enforcement of Handicapped Parking Zones on Turnpikes and the Interstate System by State Police" (H. P. 931) (Presented by Representative Murphy of Kennebunk) (Cosponsors: Representatives Andrews of Portland, Racine of Biddeford, and Senator Diamond of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Orders

On Motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative David B. Soule, Jr. of Westport be excused March 16th through March 23rd for personal reasons.

House Reports of Committees

Unanimous Ought Not to Pass

Representative Murray from the Committee on Business Legislation on Bill "An Act to Adjust Fees for Filing Documents Pursuant to the Uniform Commercial Code" (H. P. 503) (L. D. 601) reporting "Ought Not to Pass"

Representative Gwadosky from the Committee on State Government on Bill "An Act Concerning the Use of Public Funds for Lobbying" (H. P. 564) (L. D. 714) reporting "Ought Not to Pass"

Representative Kelly from the Committee on Fisheries and Wildlife on Bill "An Act to Permit Archers who Take a Deer During Archery Hunting Season to also Take a Deer During the Firearm Hunting Season" (H. P. 317) (L. D. 376) reporting "Ought Not to Pass"

Representative Erwin from the Committee on Fisheries and Wildlife on Bill "An Act to Protect Horticulture Nurseries from Deer Damage" (H. P. 394) (L. D. 477) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative Greenlaw from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Taking of Antlered Deer in Certain Areas of the State" (H. P. 546) (L. D. 698) reporting "Leave to Withdraw"

Representative Crowley from the Committee on Marine Resources on Bill "An Act to Establish a Minimum 2-inch Size Limit on Soft Shell Clams" (H. P. 150) (L. D. 158) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act Concerning Penalties Enforced against Victims of Accidents who Fail to File Accident Reports" (H. P. 550) (L. D. 701) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Allow Independent Psychologists to Conduct Mental Examinations of Persons Accused of Crimes" (H. P. 843) (L. D. 1093) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft

Representative Wentworth from the Committee on Local and County Government on Bill "An Act to Clarify Municipal Regulation of Motor Vehicles on Ice-covered Bodies of Water" (H. P. 81) (L. D. 90) reporting "Ought to Pass" in New Draft (H. P. 915) (L. D. 1168)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Wednesday, March 16.

Consent Calendar

First Day

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

(H. P. 379) (L. D. 462) Bill "An Act to Prohibit the Commercial Sale of Chain Saws and Skidders not Equipped with Spark Arresters"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-61)

On the objection of Representative Kiesman

of Fryeburg, the Bill was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-61) was read by the Clerk.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of Committee Amendment "A" and would speak to my motion.

The SPEAKER: The gentleman from Fryeburg, Mr. Kiesman, moves the indefinite postponement of Committee Amendment "A".

The gentleman may proceed.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would start out this morning by apologizing to the Committee on Business Legislation. It is necessary for me to debate this on the floor. Obviously, I didn't do a good job of presenting the bill in the committee. I also apologize because of my own committee work I was not able to attend the work session when you worked this bill, so this is my only opportunity to do the job right.

This bill was put in because of the concerns of the people to whom we gave the responsibility for preventing forest fires, the state rangers and the wardens that are out there doing the job. The present law that we have been working with says, "No equipment for producing power shall be operated in or through or near forestlands unless it is provided with a spark arrester approved by the director." What that says is, you can't operate. The guy who buys—the only part in question here is on saws, so I will confine my remarks to chain saws. The fellow who buys the saw is guilty of a crime if he operates it in the woods. The problem is that they can be sold without spark arresting devices on them, and they can be given and sold to those unsuspecting people, of which there are a great number now who are cutting their own firewood on weekends, the weekend firewood gatherer, and he doesn't know if he is buying a saw that is legal or not, or for which he can be arrested for operating.

I would give a little bit of education on what a spark arresting muffler is on a chain saw. The only difference between a spark arresting muffler and a noise muffler only on a chain saw is the fact that inside the muffler there is a baffle with many small holes in it, and this breaks up the burning carbon particles when they are expelled from the engine. It is not something that shows on the outside and the muffler looks just the same, so the average buyer that goes in to buy one doesn't know if he is buying a saw with a spark arresting muffler or just a noise muffler on it.

The dealers who sell these unprotected saws are the problem. The reputable chain saw dealers, the ones who are in the business of selling and servicing chain saws in the State of Maine, wouldn't consider selling a saw without a spark arresting baffle in the muffler. After all, their livelihood depends on maintaining the forest industry and if they burn it down, obviously they sell no saws.

This is not aimed at the reputable chain saw dealer that everyone has two or three of in their town in the State of Maine. The problem occurs from the department stores, often the chain automotive stores that sell saws as a sideline and they have buyers who buy the saws directly from the manufacturer and ship them into the state for resale, for retail sale. These buyers can buy that saw two or three dollars cheaper from the manufacturer without the spark arresting baffle in them, so they buy them cheaper so they can sell them two or three dollars cheaper and put them out as a loss leader sale item to get the people into the stores. These are the ones that the wardens and rangers are concerned about.

I would like to tell you that in 1981, according to the statistics from the Maine Forest Ser-

vice, they made 2,234 reports on the inspection of chain saws. Of course, there were a great number of others that were looked at for which no report was written, and of that 2,234 reported inspections, there were 504 chain saws that were not approved for use. That ought to say something.

Of the total court cases on chain saw and vehicle violations, there were 103 court cases, and of those 103, approximately two thirds of them were for chain saw violations. So, you can see that it is a problem.

I know that some of the chain saw dealers have got concerns about this. They are afraid that if this became law and it was illegal to sell a chain saw, the rangers would be back after them if they found an illegal chain saw in the woods. Well, obviously the ranger must have proof that the dealer did in fact sell the saw. If the muffler is such that it can be disassembled and the baffle taken out, there is a presumption that the operator is the one that is guilty. The only way a ranger could get someone for selling the saws illegally is to go into his shop and find a number of other saws in the shop available for sale that didn't have the spark arresting baffle installed. So this is not an effort to get to the dealers. The problem is that every time a ranger finds a saw out there in the woods, a new saw without a spark arresting baffle, he knows there is a substantial number that have been sold that he will probably never find and never catch.

I would remind you that the purpose of the forest rangers and the fire wardens is to prevent forest fires—that is what all the signs say, that is what they do, they are out there to prevent forest fires. They are not there to prosecute, it is to prevent.

As I said, the portion on the skidders doesn't seem to be a problem. The main reason for mentioning skidders is because of the proliferation of turbochargers which function as a spark arresting device and the terminology was put in to correct that problem, to say "spark arresting device" instead of "spark arrester."

I hope you will concur with my motion and we can pass this bill as it was originally presented. I hope some of my colleagues who are in the chain saw business, some of the chain saw experts, will answer any other questions if I have missed anything.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: The Committee on Business Legislation did have a hearing on this. As you would expect, we did have several workshops on it. We asked different people from departments within our government to come and testify. It was the decision of the committee, after these deliberations, that the chain saw issue is not a major problem at this time and that there was a problem of the possibility of repercussions coming back on dealers when owners of chain saws had removed their muffler system, their spark arresting system. Therefore, we deemed it appropriate and proper to amend the bill to skidders only. That is the way it is presented to you and I would hope that you would defeat the indefinite postponement of our committee amendment and pass the bill as we have presented it to you.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: One of the reasons we decided to eliminate chain saws was the fact that during the year 1981, or it could have been 1982, I don't remember, of all the total fires that were started in the woods, there were only three of them as a direct result of chain saws, and one out of the three was because the operator up his chain saw down on a bunch of leaves, which started the fire. Basically, we felt that we were making a mountain out of a molehill, that there was no necessity to change

the law and to leave it as it is.

I hope that you will vote against the motion of my good friend from Fryeburg, who I admire and I know that he is trying real hard to accommodate some of his constituents, but I don't see any necessity whatsoever to make any changes from what it is now. Skidders, yes, but chain saws, no.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I submit to you that one fire is one too many to have in the woods. We don't need to have any caused by a chain saw.

I would like to remind you that where this has occurred is from the discount houses. They buy them from a different source than those going into the regular chain saw shops.

I would hope that you would go along with the gentleman from Fryeburg, Mr. Kiesman.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I became interested in this bill for one reason and one reason alone. I think it is a sad day when someone receives a little tap on the shoulder and says that they are in violation of the law, a law that they don't even know exists, and using a piece of machinery that they are not aware that they have to have a spark arrester in, namely the chain saw.

This bill surprised me because I have been around quite awhile and I am pretty careful of what I buy and make sure that it is okay to use, and I had to admit that I have a chain saw that I bought a few years ago which I use when I go in the woods to hunt to make sure if there is a tree in the road I will have a chance to cut it. I use it a little bit around my camp and, truthfully, I don't know whether or not there is a spark arrester in that saw. If there isn't, I could be in violation. If there is, I am okay.

It has been said that the dealer is being beset upon because the spark arrester might be removed after the chain saw leaves the shop. I think that could be taken care of very easily by the seller just putting on the bill of sale that this equipment is equipped with a spark arrester. Therefore, if that operator wants a little bit more power in his saw after he gets out in the woods on the job, he is going to be guilty of that violation and not the dealer. I see no problem with the dealer.

As far as saying there is no fire started, this doesn't hold water with my foresters up in Greenville. In fact, they have said they felt very bad when they found one of their friends in violation and that person didn't know that he was violating the law. He supposed that the dealer, being a competent dealer, wouldn't sell him a piece of machinery that was illegal to use.

I believe that most dealers who are selling chain saws are probably very careful that the chain saw is equipped with a spark arrester, but the cutrate stores really aren't concerned about you and I, whether we get caught in violation of a law or not, so I imagine there are quite a few saws sold that don't have spark arresters.

I am really quite anxious, with spring coming, to check my saw and see if in fact I haven't been in violation. I bought the saw from a reputable dealer; I presume that it is equipped with a spark arrester, but I don't know. I think it is too bad if this House stands by and allows people to be put in the position where they can be found guilty when in fact they are innocent. But we all know that the law doesn't recognize this. If we commit a crime or a misdemeanor, even though we are not aware of it, we are guilty in the eyes of the law.

For these reasons, I hope that you will support Mr. Kiesman in his motion this morning.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: We did consider this bill but I went back to my dealers in my area, and I

can tell you that they are nervous if such a bill as this is going to pass. They admit that they do not sell chain saws without spark arresters, but they don't want to have the liability that would be caused by this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It hasn't been proven that very many fires have been started by chain saws to my satisfaction. If they can't find anything that started a fire, they will say that it was started by the chain saw.

Second of all, I wanted to mention to you that these resistors, when they are on there, they cut the power of the chain saw considerably, so some fellows do take them off. I see no harm in it in the wintertime, but we are passing a bill that says they can't do it year-round, this is a year-round thing and the need of it is only for July and August, or maybe three months but not the whole year, there are 12 months in a year.

Another thing that hurts us county-wise, this kind of legislation, they arrest these people and a lot of them haven't got resistors because they are so poor that they haven't got the money to buy one, and then they end up in the court in my area and right away the judge appoints an attorney for them that costs the county \$150 and she is going to find them not guilty anyway but it costs the county \$150 and the county or someone will have to buy them one of these whether they need it or not. These are some of the complications that haven't been brought forth in this House this morning. This will cost Penobscot County, I am sure, a lot of money because of these people that are unable to have an attorney in court and the first thing that happens is they get appointed one.

Second of all, if they had the money, they probably would have had one on in the first place. The only reason they took them off is so they could make a little more money to feed their families, they could cut a little more wood by taking it off because it increases the power of the chain saw.

Third, and I mentioned this first, they don't need them on the whole year anyway. For all of these reasons and lots more that I won't bore you with this morning, I don't want to wear my welcome out in this House because there are a few important things I want to talk about later on, I hope that a bill like this will not get through this House.

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

Mr. KIESMAN: Mr. Speaker and Members of the House: It sounds like my friend from Enfield is saying that we shouldn't protect the forests, we should let people go out there in the forest with any kind of a device, take off the muffler take off the spark arresters, and go ahead and use them and we shouldn't prosecute them for breaking the law because they are poor or for some other reason because they can make a little more money by breaking the law. That is a very poor reason, in my view.

I would like to correct another statement that was made, that this was put in for a few of my constituents. Let me tell you where this came from—it came as a result of an education program that the Forest Service had in my area and it was operated and attended by about 25 state forestry people that ran the program. It was a forest fire suppression program, a traveling road show that they put on during the winter months to educate the town fire people on how to put out forest fires most effectively and how to manage them. It was at this meeting that I attended as an observer that this discussion came up because one of the rangers in his presentation referred to a fire that was caused by one of these saws without a spark arresting device on it. Every one of those rangers and all of the town fire wardens that were in attendance, and there were some 40,

50 or 60 people there, practically every one of them volunteered a horror story about this very thing, fires caused by chain saws without spark arresting devices on them. That is where I became aware that it was illegal to have them in the woods and to operate them, but it was not illegal to sell them.

What these rangers were telling me, when they find an illegal saw out there in the woods, and usually it is one of these small ones that the weekend warrior buys down at the department store for \$149.95, they find him out there with one and he says, "Well, I just bought it last weekend, I just got it, it must be okay," those rangers know that there are probably a dozen out there in the woods for everyone that they caught. They go back to the department store or the auto supply chain store and they say, hey, there's nothing illegal about this, we have a right to sell this, the law doesn't say that we can't sell them, so we will just go right on selling them and, buddy, you get out there in the woods and try to find them, that is your job. I think that is pretty frustrating to those rangers and fire wardens. We shouldn't give them responsibilities to prevent fires if we are not going to give them the tools so they can do it. All this is a tool. It doesn't create any hazard to the reputable dealer. The ranger has a fall guy. If he gets a guy in the woods with an illegal chain saw and he wants to make an arrest and take a case to court, he has got the guy there to do it with. His purpose is to stop those illegal chain saws before they ever get out there to prevent the fires—that is his purpose, prevent fires.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: Sometimes in debate it seems we can lose our way, so I just want to make one more remark. I am sure you have all heard it, but I want to make sure that you didn't miss it. The point that we heard this morning and the reason that the committee acted the way that they did, the objection, if you will, they were afraid of what was going to happen to the dealers if in fact the spark arrester was removed after the saw was taken from the shop. I want to point out just one more time—the dealers have no problems. It may be that we are hearing from dealers that are less than reputable, because certainly a dealer has no problem to write on the bill of sale that this piece of equipment is equipped with a spark arrester, and when you consider that matter, I hope you remember that. The dealer can take care of this, no problem to the dealer.

Thereupon, on motion of Mr. Kiesman of Fryeburg, Committee Amendment "A" (H-61) was indefinitely postponed.

The Bill was assigned for second reading tomorrow.

(H. P. 267) (L. D. 327) Bill "An Act to Revise the Laws Pertaining to Prejudgment Attachment, Execution of Judgments, Disclosure of Assets and Exemptions"—Committee on Judiciary reporting "Ought to Pass"

(H. P. 488) (L. D. 585) Bill "An Act to Authorize a Self-liquidating Bond Issue for Lincoln County for Renovation of and Addition to the Lincoln County Jail and Public Safety Facility"—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-64)

(H. P. 626) (L. D. 778) Bill "An Act to give Alternates the right to Vote on a School Board"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-65)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 16, under the listing of the 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. 275) (L. D. 335) Bill "An Act to Revise the Law Concerning the Investment of Municipal Funds" (Emergency) (C. "A" H-59)

(S. P. 142) (L. D. 434) Bill "An Act to Establish an Annual Maine Clean Water Week"

(H. P. 530) (L. D. 683) Bill "An Act to Amend the Soil and Water Conservation Districts' Law"

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

Passed to Be Engrossed

Bill "An Act to Amend the Consumer Credit Code Regarding Mobile Homes" (Emergency) (S. P. 366) (L. D. 1121)

Bill "An Act to Amend and Supplement Certain Powers of Hospital Administrative District No. 1" (H. P. 898) (L. D. 1150)

Bill "An Act to Permit Compensation to be Paid to Beekeepers for Damage Done by Bears" (H. P. 914) (L. D. 1167)

Bill "An Act Concerning Special Telecommunications Equipment for the Deaf, Hearing Impaired and Speech Impaired" (H. P. 913) (L. D. 1166)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

Bill "An Act to Amend the Banking Code Regarding the Trust Powers of Thrift Institutions" (S. P. 105) (L. D. 237) (H. "A" H-60 to C. "B" S-17)

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

Passed to Be Enacted Emergency Measure

An Act to Allow the Commissioner of Educational and Cultural Services to Charge a Fee for private Industrial Fire Brigade Training (H. P. 519) (L. D. 644) (C. "A" H-43)

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

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, could we please have an explanation of what this bill would do?

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

The Chair recognizes the gentleman from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker, Men and Women of the House: This bill, as the title implies, would allow the fire brigade training service to charge certain industrial customers for training. The fire training service is now allowed by law to give this type of training, but because of funding shortages they aren't able at this time to give the training. There are about five or six industrial customers who are willing to pay the fire service training right now, and this bill would simply allow them to do so.

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

Mr. CARRIER: Mr. Speaker, I would like to ask a question. We just passed a fire marshal bill allowing money out of insurance premiums for fire training. Would this be covered by it or are we talking about something different altogether?

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, has posed a question

through the Chair to anyone who may care to answer.

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

Mrs. BEAULIEU: Mr. Speaker, to answer the question, I believe the funding mechanism that was put in place is to keep current services going. This is above and beyond those services. Even though they are allowed to conduct and train fire brigades in specific plants throughout the state, they have never been able to charge for that. So the funding that Representative Carrier is referring to is to keep current services going. This is an additional step.

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 will vote yes; those opposed will vote no.

A vote of the House was taken.

118 having voted in the affirmative and 14 having voted in the negative, the motion did prevail.

Signed by the Speaker and Sent to the Senate.

Passed to Be Enacted

An Act Relating to Fines for Committing a Fraudulent Act under the Liquor Laws (S. P. 161) (L. D. 449) (C. "A" S-13)

An Act to Include Interpreters for the Hearing Impaired Within the Evidentiary Communications Privilege (S. P. 338) (L. D. 966)

An Act to Amend the Definition of Earnable Compensation (H. P. 370) (L. D. 453) (C. "A" H-42)

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

Enactor Reconsidered

An Act to Restrict the Open Season on Partridge (H. P. 765) (L. D. 965)

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

On motion of Mr. Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-66) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill was passed as a result of a lot of public concern about the December grouse season last fall. I don't disagree with those who support the bill that a partridge or grouse season in the northern part of Maine is inadvisable. When snow covers the ground, the feed for partridges is unavailable for them and they are forced into trees where they feed on bugs and they are very vulnerable, especially to hunters. The climate on the coast, however, is usually much milder than it is inland, and because the climate is so much milder, it is feasible to allow a hunting season later in the fall without endangering the species.

This amendment, House Amendment "A", uses permissive language which will allow the Commissioner to extend the season no later than December 21st and it requires the Commissioner of Inland Fisheries and Wildlife to close the season if the weather endangers the species. I feel that the amendment is a fair measure which would protect the grouse population and allow the sportsmen in the coastal counties the opportunity for three more weeks of grouse season in the fall.

I hope you will support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: The committee did a lot of work on this bill. As a matter of fact, we had four bills from different quarters and different areas in the state that pertained to this, which indicates the amount of interest that there was in doing away with the December partridge hunt. This is the final bill that came out of the committee and we felt that it was a good compromise. There was tremendous interest all over the state in doing away with that December partridge hunt. The reason for doing it is that the theory is the birds are in the tree-tops during December because usually there is snow on the ground and they are eating bugs out of the trees and they are tamer than they usually are and they are easy to see up in the trees and easier to shoot.

I just feel that this amendment is a step in the wrong direction as far as the intent of this bill is concerned, and I move the indefinite postponement of this amendment and would ask for a division.

The SPEAKER: Mr. MacEachern of Lincoln has moved indefinite postponement of House Amendment "A".

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

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would support Mr. MacEachern. I would like to just speak briefly on this bill.

Coming from one of the counties that is designated in the amendment, York County, there has been a tremendous drop off in the partridge in that area. I believe that it still holds true in the northern part of the state but I can verify it in the southern part of the state why the drop off in partridge, and I am sure some of the people who are partridge hunters—last year we had an awful cold, wet spring and living in a rural area and being pretty much out in the woods at that time, you would notice that the hens that were coming off only had one or two chicks with them where normally they would have six, seven or eight of them. I believe the reason for this was with that cold, wet Spring, the hen can only stay on the nest about so long and she has got to go out and get something to eat and when she does, the cool weather that we had in the spring, the wet rain and what not, the eggs just didn't hatch, they cooled off and just didn't develop. I noticed that tremendously down in the York County area. Therefore, the partridge have declined tremendously down there and I think this December hunt would not be of any advantage.

I hope you go along with Mr. MacEachern on his motion.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind the House that the Commissioner of Inland Fisheries has emergency power and he is required by law to close the season if the population of the specie is endangered.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I hope today you will go along with Mr. MacEachern's motion to indefinitely postpone. The reason the partridge bill was in there in the first place is because the Commissioner couldn't handle the power that he had been given. What's going to happen is, if you let this amendment pass, it will circumvent the whole purpose of this bill.

I have some friends in the northern part of the State of Maine that have bird dogs, and if we extend the partridge season until December 21st in the southern part of the state, I can assure you of one thing—my friends will be down there with their dogs and they will be hunting partridge. They won't be hunting them in the northern part of the state but they will be hunting them in the southern part of the

state.

The reason the partridge season was extended in the first place was that because of federal changes in regulations they took five days off the woodcock season in the state of Maine. When I asked the Commissioner why he extended the partridge season, he said, I had to give the woodcock hunters something in return for taking five days away. His decision was to give them another month to hunt partridge.

Partridge are probably one of the best game birds in the United States of America without any question.

They extended the partridge season in the state of Pennsylvania and last week I was talking to Gene Letourneau and he hunts in Pennsylvania every year. He said, in Pennsylvania if a guy goes out with his bird dog and he jumps one partridge on one day, they go out and get drunk that night because it is such a great thing.

In the state of Maine we have sat back and watched the deer go down and now we have a problem with the black duck and I am thoroughly convinced that there are some people in this state that won't be happy until they have shot every living thing off the face of the earth if we let them have their way.

The committee chose not to limit the opening day of the partridge season. That means it can go into September, the whole month of September or the last two weeks in September if they would like. But you see, the problem is there are still leaves on the trees then, there is still plenty of feed then and the partridge are scattered all over and it makes it a little harder for them to be hunted. Some of these guys don't want that. They want to be able to hunt them when the ground is frozen and most of the berries are gone, when the birds are concentrated in small areas and when there are no leaves on the trees. Then it becomes more sporting to them and they can come with their limit of birds.

I understand what the sponsor of this amendment is trying to do and he has a few good reasons for it, very few, so I hope you will go along with Mr. MacEachern's motion.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: While this debate was going on, I saw fit to dig this amendment out and you may be surprised that I would rise because it doesn't affect my county. In looking at it, how in the world could the enforcement division ever perform their duties, the wardens? How in the world could they make any decision?

It says here: "In the event the weather conditions are adversely affecting grouse" and it goes on to explain that in the Statement of Fact—"as long as there is no snow on the ground." Well, I am sure you all know we ride up and down the highways and there is no snow in sight but back in the little swampy area where it is covered by the trees, you will find snow, so how in the world would a warden be able to enforce this? There might be patches of snow, and here again, you would be hunting in violation.

I think this a bad amendment and I hope you go along with Mr. MacEachern.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the Wildlife Committee is beginning to realize that they have been overdoing in giving people so much privilege in hunting.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to correct the last statement—she referred to the committee as the "wildlife committee" and sometimes I think that is true, but it is the Fisheries and Wildlife Committee.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that House Amendment "A" (H-66) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

118 having voted in the affirmative and 8 in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed.

The Bill was 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:

Bill "An Act to Prohibit Skiing in Out-of-bounds Areas" (H. P. 524) (L. D. 649) In House, passed to be engrossed as amended by Committee Amendment "A" (H-45) on March 8, 1983. In Senate, Bill and papers indefinitely postponed in non-concurrence.

Tabled—March 14, 1983 by Representative Cox of Brewer.

Pending—Further consideration.

On motion of Mr. Cox of Brewer, the House voted to insist.

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

SENATE REPORT—"Refer to the Committee on Business Legislation" Committee on Legal Affairs on Bill "An Act to Provide for the Use of Major Credit Cards at Selected State Liquor Stores" (S. P. 160) (L. D. 448)

Tabled—March 14, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of the Committee Report.

On motion of Mrs. Mitchell of Vassalboro, re-tabled pending acceptance of the Committee Report and tomorrow assigned.

(Off Record Remarks)

On motion of Mrs. Martin of Brunswick,
Adjourned until nine o'clock tomorrow morning.