

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

ognizing that:

Mr. and Mrs. Harry R. Beatty of Portland, will celebrate their 50th wedding anniversary on January 27, 1980...

(SP 725)

is presented by Senator Conley of Cumberland. (Cosponsor: Senator Najarian of Cumberland)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Senator Pray of Penobscot, ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out a bill removing Allagash Plantation, E Plantation, Garfield Plantation, Glenwood Plantation, Hammond Plantation, Macwahoc Plantation, Nashville Plantation, Oxbow Plantation, Reed Plantation, Wallagrass Plantation, Westmanland Plantation, Winterville Plantation, Coplin Plantation, Dallas Plantation, Rangeley Plantation, Sandy River Plantation, Osborn Plantation, No. 33 Plantation, Lincoln Plantation, Magalloway Plantation, Drew Plantation, Grand Falls Plantation, Lakeville Plantation, Sebobeis Plantation, Webster Plantation, Bowerbank, Barnard Plantation, Elliottsville Plantation, Moscow, Brighton Plantation, Caratunk Plantation, Kingbury Plantation, Lakeview Plantation, Dennistown Plantation, Highland Plantation, Pleasant Ridge Plantation, The Forks Plantation, West Forks Plantation, Beddington, Centerville, Cooper, Crawford, Deblois, Northfield, Topfield, Wesley, Baring Plantation, Codyville Plantation, Grand Lake Stream Plantation, No. 14 Plantation and No. 21 Plantation, from the Maine Forestry District.

(SP 726)

Which was Read.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Passage.

### Committee Reports

#### House

##### Ought to Pass

The Committee on State Government on, Bill, "An Act Revising the Maine Capital Corporation." (H. P. 1616) (L. D. 1726)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-751).

The Committee on Transportation on, Bill, "An Act Relating to Enforcement of the Truck Weight Requirements Under the Motor Vehicle Laws." (H. P. 1628) (L. D. 1738)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-750).

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. House Amendments "A" were Read and Adopted, in concurrence, and the bills as amended, Tomorrow Assigned for Second Reading.

##### Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Increase the Amount which the District Court is Allowed to Deposit into the District Court Building Fund from \$3,000 per month to \$120,000 Per Year." (H. P. 1640) (L. D. 1749)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-748)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A"

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

##### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Require that Chil-

dren who are under 15 Years of Age Wear Helmets when they are Passengers on Motorcycles." (H. P. 1590) (L. D. 1700)

Report that the same Ought to Pass.

Signed:

Senators:

EMERSON of Penobscot  
O'LEARY of Oxford

Representatives:

HUTCHINGS of Lincolnville  
McKEAN of Limestone  
STROUT of Corinth  
JACQUES of Lewiston  
ELIAS of Madison

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senators:

USHER of Cumberland

Representatives:

BROWN of Mexico  
HUNTER of Benton  
McPHERSON of Eliot  
LOUGEE of Island Falls  
CARROLL of Limerick

Comes from the House, the Bill Passed to be Engrossed.

Which Reports was Read.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I move we accept the Majority Ought Not To Pass Report.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President, I oppose the pending motion, and ask that we accept the Ought To Pass Report, and I would like to speak to my motion.

The PRESIDENT Pro Tem: The pending motion before the body is acceptance of the Ought Not To Pass Report. You may speak to that motion.

Senator USHER: Thank you Mr. President. Mr. President, and Members of the Senate, some people are commenting that we are getting too involved, starting to tell the youngsters what to do.

When you stop and think under 15 years of age, you don't have too much responsibility. I'm sure we've all throughout our districts have seen episodes of motorcycles going down the street where the operator might be having a helmet, picked up a rider, and on the back, he might be 12 years old or even younger, without a helmet.

The people comment. Why don't somebody do something about this? It makes you feel irresponsible too. I have seen this in many cases.

We have a large populated area. We have many, many motorcycles, I'm sure all of you have many motorcycles in your area, due to the gas crisis. I too supported the repeal of the helmet law in the last session, but since then a lot of things have happened. Many, many people have contacted me about supporting this helmet law for the minors.

There were a large group that attended the committee hearing. The motorcycle clubs. Many saw it on the educational T. V. the Channel 10 episode of the hearing. Some of the Motorcycle operators said they wouldn't even let their sons ride with a helmet on. They claim it's dangerous.

Well, I don't agree with them. I just feel that we should take some responsibility and pass this law.

The Department of Transportation is conducting an on-going survey. Since repeal of the statutes which requires the use of helmets, which was taken out at the last session, it has been determined that 1 out of 3 motorcycle operators do not use helmets and 3 out of 4 or those killed in motorcycle accidents were operating without helmets.

Between January 1, 1978 and September 30, 1979, there were a total of 1,992 motorcycle

crashes in Maine. A total of 51 people were killed, 1,701 were injured in these accidents, which is very costly to the families and also to the State. This is where we are involved.

On the total number of operators involved in motorcycle accidents, 8% were not wearing helmets. In addition, 7% of the passengers were not wearing helmets. Of the age limits, 1, was in the 15 and under category. I think that is enough right there, 1, also, 1,701 were injured. That is enough to vote too.

So I think it's a very serious matter. It's going to be very costly. It's costly to the families like I said before. I think this is the time we ought to be responsible and support this bill. I oppose the pending motion to accept the Majority Report.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the Motion by Senator Emerson of Penobscot.

#### Senate

##### Ought to Pass — As Amended

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act to Establish the Boundary between Rockport and Rockland." (S. P. 658) (L. D. 1698)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-401).

Which Report was Read.

On Motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

Senator Collins for the Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority." (Emergency) (S. P. 657) (L. D. 1696)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-402).

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

#### Second Readers

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

##### House

Bill, "An Act to Amend the Law Regarding the Issuance of Registration Permits under the Motor Vehicle Laws." (H. P. 1629) (L. D. 1739)

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

##### House — As Amended

Bill, "An Act to Make Corrections in the Law with Respect to Bridgton Academy, Gould Academy and North Yarmouth Academy." (H. P. 1597) (L. D. 1708)

Bill, "An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders." (H. P. 1620) (L. D. 1730)

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

Under Suspension of the Rules, on Motion by Senator Conley of Cumberland, there being no objections, all items previously acted upon were sent forthwith for concurrence.

#### Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

##### Emergency

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by the Town Council of the Town of Orono. (S. P. 652) (L. D. 1699)

This being an emergency measure and having received the affirmative votes of 23 Members of the Senate, with No Senators voting in the negative, was Passed to be Enacted, and having been signed by the President,