

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**

HOUSE

Thursday February 7, 1980

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

Prayer by the Reverend Douglas Drown of the Congregational Church, Bingham.

Rev. DROWN: Let us pray! Gracious Father who by your will has ordained all government for the welfare of your people, grant your blessing, we pray, upon these your servants here gathered as they forge legislation for the State of Maine. Grant them perception, wisdom and a caring heart that all decisions here made and all work here done may be beneficial to the citizenry and in accordance with your will and purposes. May grace, mercy and peace rest with us all. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Orders, Expressions of Legislative Sentiment recognizing that:

Bud Dillihunt, for his dedication and contribution towards the cause of social and economic advancement in the Jackman area. (S. P. 745)

The inauguration of Trans-Quebec #75, the "Beauceron Snowmobile Trail," President Laurent Caouette and the many enthusiastic clubs and participants involved. (S. P. 748)

The Border Riders Snowmobile Club and President Louise Shelly for the many courtesies and excellent work extended in inaugurating the Trans-Quebec #75 Snowmobile Trail; (S. P. 749)

Came from the Senate read and passed.

In the House, were read and passed in concurrence.

Non-Concurrent Matter

Bill "An Act to Require that Children who are under 15 Years of Age Wear Helmets when they are Passengers on Motorcycles" (H. P. 1590) (L. D. 1700) which was passed to be engrossed in the House on January 23, 1980.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-410) in non-concurrence.

In the House:

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

Mr. JACQUES: Mr. Speaker, I move that we adhere.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis moves that the House recede and concur.

The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker and Members of the House: I am sure after my remarks two weeks ago, most of you know I am in favor of this legislation.

If I ever had any doubts as to my opinion, a week ago they were solidified in the most recent public hearing on this subject. One biker testified that it was his responsibility to teach his children and not the Maine Legislature's. He added, if he ever caught his kids wearing a helmet, he would never let them ride a bike again. He said that your skull is nature's natural helmet. It is hard for me to understand, with consistent testimony like this for many years, why the Maine Legislature took a step backwards in 1977 and succumbed to the concentrated lobbying of the Maine Bikers Association in the first place.

We must ask, if the skull is truly nature's natural helmet, then why do soldiers today wear helmets, why do construction workers wear hardhats and why do football players wear helmets? In my opinion, a person's head was de-

signed for normal day-to-day living and not for motor combat, not for open field tackling and, most of all, not for zipping along the highway at 60 miles an hour.

I would hope that you would support this bill, I hope you will support the receding and concurring motion and not the adhering motion.

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

Mr. JACQUES: Mr. Speaker, I am just wondering if this amendment is germane to the bill. As I see it, the same bill was taken up last year and this House turned it down. Again, if that amendment is accepted, it goes back to the same thing that we rejected last year. I am wondering if that amendment is germane to the bill?

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, has posed a question to the Chair on germaneness of the amendment.

Thereupon, the Bill was tabled pending a ruling from the Chair.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund (H. P. 1799) (L. D. 1921) which was referred to the Committee on Taxation in the House on February 5, 1980.

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

In the House: The House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

Messages and Documents

The following Communication: (S. P. 747) February 5, 1980

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

Please be advised that Governor Joseph E. Brennan is nominating Inge Foster of Dresden for reappointment as a member of the State Board of Education.

Pursuant to Title 20 MRSA Section 51, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

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

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

Was read and referred to the Committee on Education in concurrence.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bill was received and referred to the following Committee:

Judiciary

Bill "An Act Establishing a News Media Privilege" (H. P. 1810) (Presented by Mr. Simon of Lewiston) (Cosponsor: Mr. Silsby of Ellsworth) (Was approved for introduction by the Legislative Council pursuant to Joint Rule 26) (Ordered Printed)

Sent up for concurrence.
By unanimous consent, ordered sent forthwith to the Senate.

Orders

The following Joint Resolution: (H. P. 1809) in memory of:

John Platz, Auburn, Chairman of the Maine Maritime Academy Trustees.

Presented by Mrs. Lewis of Auburn.
The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: I would like to say just a few words

about John Platz.

I have had quite a bit of association with the Maritime Academy for several reasons, one is that one of my sons graduated from there. Also, I have had the experience of working on the Appropriations Committee with the Academy. I think there are probably very few people that I have known since I have been in state service that have had any more dedication to a particular job than John Platz has as chairman of the trustees of the Maritime Academy. I think he has done an outstanding job, he has spent a great deal of time, I think it was one of the more important parts of his life. He is one of the type of public servants that this state is lucky to have and I think that by passing this resolution at least the state and legislature recognizes his contribution.

Thereupon, the Resolution was adopted and sent up for concurrence.

House Reports of Committees

Ought Not to Pass

Mr. Davies from the Committee on Public Utilities on Bill "An Act Concerning Membership on the Board of Trustees of the Van Buren Light and Power District" (Emergency) (H. P. 1607) (L. D. 1718) reporting "Ought Not to Pass"

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

**Ought to Pass with
Committee Amendment**

Mr. Twitchell from the Committee on Taxation on Bill "An Act Providing for Administrative Changes in the Maine Revised Statutes Relating to Taxation" (H. P. 1751) (L. D. 1867) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-771)

Report was read and accepted and the Bill read once. Committee Amendment "A" read and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-765) on Bill "An Act Relating to Hunter Safety" (H. P. 1612) (L. D. 1722)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
REDMOND of Somerset
USHER of Cumberland
— of the Senate.

Messrs. JACQUES of Waterville
MASTERMAN of Milo
VOSE of Eastport
PAUL of Sanford
PETERSON of Caribou
DOW of West Gardiner
MacEACHERN of Lincoln
CHURCHILL of Orland
— of the House.

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

Report was signed by the following members:

Messrs. TOZIER of Unity
GILLIS of Calais
— of the House.

Reports were read.
The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, moves that the Majority "Ought to Pass" Report be accepted.

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

Mr. GILLIS: Mr. Speaker and Ladies and Gentlemen of the House: I rise here this morning to voice some opposition to this bill. I believe in the concept of the bill; I would like to