

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
37th Legislative Day
Wednesday, April 17, 1991

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

Prayer by Representative Beverly Daggett of Augusta.

The Journal of Tuesday, April 16, 1991, was read and approved.

SENATE PAPERS

Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers" (S.P. 571) (L.D. 1525)

Came from the Senate, referred to the Committee on **Aging, Retirement and Veterans** and Ordered Printed.

Was referred to the Committee on **Aging, Retirement and Veterans** in concurrence.

Resolve, Concerning Reauthorization of the \$12,000,000 Bond Issue for Sewer Treatment Facilities (EMERGENCY) (S.P. 586) (L.D. 1539)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Bill "An Act to Require Health Insurance to Honor Patient Assignment Requests" (S.P. 573) (L.D. 1527)

Bill "An Act to Regulate Uninsured and Underinsured Motor Vehicle Liability Insurance" (S.P. 580) (L.D. 1533)

Came from the Senate, referred to the Committee on **Banking and Insurance** and Ordered Printed.

Were referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act to Establish Ombudsman Positions with the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration" (S.P. 578) (L.D. 1532)

Bill "An Act to Amend the Laws Regarding the Labeling of Seafood" (S.P. 583) (L.D. 1536)

Came from the Senate, referred to the Committee on **Business Legislation** and Ordered Printed.

Were referred to the Committee on **Business Legislation** in concurrence.

Bill "An Act to Amend the Reduction in Toxics in Packaging Laws" (S.P. 572) (L.D. 1526)

Bill "An Act to Improve Coordination of Municipal and State Review of Environmental Permits" (S.P. 587) (L.D. 1540)

Came from the Senate, referred to the Committee on **Energy and Natural Resources** and Ordered Printed.

Were referred to the Committee on **Energy and Natural Resources** in concurrence.

Bill "An Act to Provide Support for Community-based Residential Hospice Services" (S.P. 581) (L.D. 1534)

Came from the Senate, referred to the Committee on **Human Resources** and Ordered Printed.

Was referred to the Committee on **Human Resources** in concurrence.

Bill "An Act to Clarify the Maine Juvenile Code" (S.P. 588) (L.D. 1541)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

Was referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Enhance the Availability of Group and Individual Self-insurance Information and to Prevent Conflicts of Interest under the Workers' Compensation Act" (S.P. 574) (L.D. 1528)

Came from the Senate, referred to the Committee on **Labor** and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Banking and Insurance**.)

Was referred to the Committee on **Labor** in concurrence.

Bill "An Act to Provide for Open and Responsible Access to Workers' Compensation, Workplace Injury, Workers' Compensation Insurance and Self-insurance Records and to Prohibit the Use of These Records for Unlawful Discriminatory Purposes" (S.P. 576) (L.D. 1530)

Came from the Senate, referred to the Committee on **Labor** and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Banking and**

Insurance.)

Was referred to the Committee on **Labor** in concurrence.

Bill "An Act Concerning Radar Devices" (S.P. 582) (L.D. 1535)

Came from the Senate, referred to the Committee on **Legal Affairs** and Ordered Printed.

On motion of Representative Lawrence of Kittery, was referred to the Committee on **Transportation** in non-concurrence and sent up for concurrence.

Bill "An Act Relating to Sheriff's Fees for Civil Orders of Arrest" (S.P. 584) (L.D. 1537)

Came from the Senate, referred to the Committee on **Legal Affairs** and Ordered Printed.

Was referred to the Committee on **Legal Affairs** in concurrence.

Bill "An Act to Provide Interest on Community Agency Accounts" (S.P. 575) (L.D. 1529)

Bill "An Act to Allow the Creation of County Budget Committees by Referendum Vote" (S.P. 577) (L.D. 1531)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and Local Government** in concurrence.

Bill "An Act to Amend the Laws Governing License Plates and Placards for Disabled Veterans" (S.P. 585) (L.D. 1538)

Came from the Senate, referred to the Committee on **Transportation** and Ordered Printed.

Was referred to the Committee on **Transportation** in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on **Business Legislation** reporting "**Ought Not to Pass**" on Bill "An Act to Remove the Sunset Provision of the Journeyman-in-training Electrician's Licensure Laws" (EMERGENCY) (S.P. 278) (L.D. 737)

Report of the Committee on **Energy and Natural Resources** reporting "**Ought Not to Pass**" on Bill "An Act to Clarify the Definition of Beverage" (S.P. 454) (L.D. 1230)

Report of the Committee on **Transportation** reporting "**Ought Not to Pass**" on Resolve, to Increase the State's Funding Share for the Augusta Capitol Street and Armory Street Project (S.P. 177) (L.D. 432)

Report of the Committee on **Utilities** reporting "**Ought Not to Pass**" on Bill "An Act to Provide Customer Option to Block Access to Specific Charge Call Services" (S.P. 268) (L.D. 727)

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

Unanimous Leave to Withdraw

Report of the Committee on **Transportation** reporting "**Leave to Withdraw**" on Bill "An Act to Eliminate the Front Motor Vehicle License Plate" (S.P. 48) (L.D. 78)

Report of the Committee on **Judiciary** reporting "**Leave to Withdraw**" on Bill "An Act to Allow Right of Entry for Department of Marine Resources Personnel" (S.P. 458) (L.D. 1234)

Report of the Committee on **Transportation** reporting "**Leave to Withdraw**" on Bill "An Act Directing the Department of Transportation to Erect Signs on Interstate 95 Identifying the Fort Halifax Historic Site" (S.P. 352) (L.D. 954)

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

COMMUNICATIONS

The following Communication: (S.P. 579)

115TH MAINE LEGISLATURE

April 11, 1991

Senator Zachary E. Matthews
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Gary Cobb of North New Portland for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the
Committee on Fisheries and Wildlife.

Was Read and Referred to the Committee on
Fisheries and Wildlife in concurrence.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills received and, upon the
recommendation of the Committee on Reference of
Bills, were referred to the following Committees,
Ordered Printed and Sent up for Concurrence:

Aging, Retirement and Veterans

Bill "An Act to Amend the Laws Relating to the
Group Life Insurance Program for Members of the Maine
State Retirement System" (H.P. 1084) (L.D. 1578)
(Presented by Representative DAGGETT of Augusta)
(Cosponsored by Senator McCORMICK of Kennebec,
Representative KONTOS of Windham and Representative
ST. ONGE of Greene)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act Concerning the Practice of Landscape
Architecture" (EMERGENCY) (H.P. 1082) (L.D. 1576)
(Presented by Representative COLES of Harpswell)
(Cosponsored by Representative CONSTANTINE of Bar
Harbor, Senator BALDACCI of Penobscot and
Representative GRAHAM of Houlton)

Bill "An Act to Amend the Laws Regarding Sunday
Sales" (H.P. 1079) (L.D. 1573) (Presented by
Representative GURNEY of Portland) (Cosponsored by
Representative DiPIETRO of South Portland and
Representative GRAHAM of Houlton)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Amend the Laws Governing the
Intensive Supervision Program" (H.P. 1078) (L.D.
1572) (Presented by Representative REED of Dexter)
(Cosponsored by Representative RICHARDS of Hampden,
Senator BRANNIGAN of Cumberland and Representative
ANTHONY of South Portland)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act Relating to Level I and Level II
Educational Technicians" (H.P. 1077) (L.D. 1571)
(Presented by Representative MORRISON of Bangor)
(Cosponsored by Representative NORTON of Winthrop)

Bill "An Act to Repeal the Maine Educational
Assessment Program" (EMERGENCY) (H.P. 1081) (L.D.
1575) (Presented by Representative HANDY of Lewiston)
(Cosponsored by Representative CROWLEY of Stockton
Springs, Representative PARADIS of Frenchville and
Representative SKOGLUND of St. George)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend Certain Laws Affecting the
Department of Environmental Protection" (H.P. 1083)
(L.D. 1577) (Presented by Representative ANDERSON of
Woodland) (Cosponsored by Representative GOULD of
Greenville) (Submitted by the Department of
Environmental Protection pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Provide Assistance, Support and
Supervision for Foster Homes" (H.P. 1074) (L.D. 1568)
(Presented by Representative CASHMAN of Old Town)
(Cosponsored by Representative DORE of Auburn and
Senator TITCOMB of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Allow the Use of Coupons in the
Purchase of Alcoholic Beverages" (H.P. 1075) (L.D.
1569) (Presented by Representative JALBERT of Lisbon)

Bill "An Act Regarding Proceeds of Games of
Chance" (H.P. 1076) (L.D. 1570) (Presented by
Representative TRACY of Rome) (Cosponsored by
Representative LAWRENCE of Kittery, Senator MILLS of
Oxford and Representative JALBERT of Lisbon)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning Citizen Initiative" (H.P.
1072) (L.D. 1566) (Presented by Representative REED
of Falmouth) (Cosponsored by Senator RICH of
Cumberland)

Bill "An Act to Provide Identification Cards for Persons 18 to 20 Years of Age" (H.P. 1073) (L.D. 1567) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative O'GARA of Westbrook, Representative BOUTILIER of Lewiston and Senator MILLS of Oxford)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Revise the Charter of the South Berwick Water District" (EMERGENCY) (H.P. 1080) (L.D. 1574) (Presented by Representative FARNUM of South Berwick) (Cosponsored by Senator CARPENTER of York)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HUSSEY from the Committee on **Transportation** on Bill "An Act to Amend the Law Regarding Traffic Approaching a School Bus" (H.P. 327) (L.D. 457) reporting "**Ought Not to Pass**"

Representative LORD from the Committee on **Energy and Natural Resources** on Bill "An Act to Extend the Eligibility Period for Reimbursement of Municipalities for Landfill Closure" (H.P. 324) (L.D. 454) reporting "**Ought Not to Pass**"

Representative LORD from the Committee on **Energy and Natural Resources** on Bill "An Act to Clarify the Definition of Subdivision in the Site Location of Development Laws" (H.P. 609) (L.D. 869) reporting "**Ought Not to Pass**"

Representative HOGLUND from the Committee on **Energy and Natural Resources** on Bill "An Act to Promote the Availability of Nutritionally Fortified Infant Fruit Juices" (H.P. 672) (L.D. 971) reporting "**Ought Not to Pass**"

Representative NADEAU from the Committee on **Taxation** on Bill "An Act to Restructure Environmental Tax Credits" (H.P. 278) (L.D. 398) reporting "**Ought Not to Pass**"

Representative NADEAU from the Committee on **Taxation** on Bill "An Act to Permit Municipalities to Have the Option of a Local Sales Tax" (H.P. 712) (L.D. 1017) reporting "**Ought Not to Pass**"

Representative NADEAU from the Committee on **Taxation** on Bill "An Act to Provide Reimbursements to Municipalities Under the Tree Growth Tax Law that more Accurately Reflect the Actual Impact of the Tax on Municipalities" (H.P. 714) (L.D. 1019) reporting "**Ought Not to Pass**"

Representative NADEAU from the Committee on

Taxation on Bill "An Act to Encourage Voter Registration by Enclosing Voter Registration Applications in Individual Income Tax Returns" (H.P. 757) (L.D. 1091) reporting "**Ought Not to Pass**"

Representative KETOVER from the Committee on **Audit and Program Review** on Bill "An Act to Promote a Continuing Technological Update and Assessment of State Agencies and Institutions" (H.P. 365) (L.D. 519) reporting "**Ought Not to Pass**"

Representative LORD from the Committee on **Energy and Natural Resources** on Bill "An Act to Reimburse Towns for Landfill Closings" (EMERGENCY) (H.P. 678) (L.D. 977) 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 HOGLUND from the Committee on **Energy and Natural Resources** on Bill "An Act to Clarify the Water Quality Standards for Existing Hydroelectric Facilities" (H.P. 698) (L.D. 1002) reporting "**Leave to Withdraw**"

Representative VIGUE from the Committee on **Business Legislation** on Bill "An Act to Clarify Certain Provisions of the Lien Laws" (H.P. 681) (L.D. 980) reporting "**Leave to Withdraw**"

Representative COLES from the Committee on **Energy and Natural Resources** on Resolve, to Establish the State Comprehensive Energy Plan Commission (H.P. 691) (L.D. 990) 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 as Amended

Representative VIGUE from the Committee on **Business Legislation** on Bill "An Act Concerning Nighttime Business Operation" (H.P. 142) (L.D. 212) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-134)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-134) was read by the Clerk and adopted and the bill assigned for second reading Thursday, April 18, 1991.

Ought to Pass

Representative KETOVER from the Committee on **Audit and Program Review** on Bill "An Act to Increase Revenues to the General Fund by Streamlining Collection Methods for Use Taxes on Snowmobiles and All-terrain Vehicles Pursuant to the Maine Sunset Act" (EMERGENCY) (H.P. 283) (L.D. 404) reporting

"Ought to Pass"

Report was read and accepted, the bill read once and assigned for second reading Thursday, April 18, 1991.

CROWLEY of Stockton Springs
O'DEA of Orono
OLIVER of Portland

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

Signed:

Representative: O'GARA of Westbrook

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-115) was read by the Clerk and adopted and the Bill assigned for second reading, Thursday, April 18, 1991.

Divided Report

Tabled and Assigned

Majority Report of the Committee on **Agriculture** reporting **"Ought Not to Pass"** on Bill "An Act Concerning the Restraint of Dogs That Pose a Public Risk" (H.P. 604) (L.D. 864)

Signed:

Senator: TWITCHELL of Oxford

Representatives: TARDY of Palmyra
BELL of Caribou
STROUT of Corinth
HUSSEY of Milo
SPEAR of Nobleboro
ALIBERTI of Lewiston
PINES of Limestone
PARENT of Benton

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-112) on same Bill.

Signed:

Representatives: MAHANY of Easton
NUTTING of Leeds

Reports were read.

Representative Hussey of Milo moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, April 18, 1991.

Divided Report

Tabled and Assigned

Majority Report of the Committee on **Legal Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Require Landlords to Pay Interest Earned on Security Deposits to Tenants" (H.P. 134) (L.D. 194)

Signed:

Senators: MILLS of Oxford
KANY of Kennebec
SUMMERS of Cumberland

Representatives: LAWRENCE of Kittery
JALBERT of Lisbon
PLOURDE of Biddeford
DAGGETT of Augusta
POULIN of Oakland
STEVENS of Sabattus
TUPPER of Orrington
HICHENS of Eliot
BOWERS of Sherman

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-120) on same Bill.

Signed:

Representative: RICHARDSON of Portland

Reports were read.

On motion of Representative Lawrence of Kittery, tabled pending acceptance of either report and specially assigned for Thursday, April 18, 1991.

Divided Report

Majority Report of the Committee on **Education** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-115) on Bill "An Act to Permit Students to Take Tests for Credit for Certain Classes" (H.P. 556) (L.D. 799)

Signed:

Senators: ESTES of York
McCORMICK of Kennebec
BRAWN of Knox

Representatives: PFEIFFER of Brunswick
CAHILL of Mattawamkeag
HANDY of Lewiston
AULT of Wayne
NORTON of Winthrop
BARTH of Bethel

Divided Report

Seven Members of the Committee on **Legal Affairs** on Bill "An Act Designed to Make the Use and Storage of Firearms Safer" (H.P. 59) (L.D. 87) report in Report "A" that the same **"Ought to Pass"** as amended by Committee Amendment "A" (H-122)

Signed:

Representatives: LAWRENCE of Kittery
 JALBERT of Lisbon
 RICHARDSON of Portland
 STEVENS of Sabattus
 TUPPER of Orrington
 HICHENS of Eliot
 BOWERS of Sherman

Four Members of the same Committee on same Bill report in Report "B" that the same **"Ought to Pass"** as amended by Committee Amendment "B" (H-123)

Signed:

Senators: KANY of Kennebec
 MILLS of Oxford
 SUMMERS of Cumberland

Representative: PLOURDE of Biddeford

Two Members of the same Committee on same Bill report in Report "C" that the same **"Ought Not to Pass"**

Signed:

Representatives: DAGGETT of Augusta
 POULIN of Oakland

Reports were read.

Representative Lawrence of Kittery moved that the House accept Report "A."

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this bill and all accompanying papers.

Whenever we find ourselves discussing issues such as gun safety, it is an incredibly emotional issue. Sometimes it is very difficult to separate the emotion from the rationality. Just to address that, I would like to read a few sentences from a letter which appeared in the Kennebec Journal addressing this particular bill. There can be excesses on all sides and I think this speaks to the kind of excess that can happen on an issue such as this.

The letter says in part, "Thus, both groups are part of the problem, meaning SAM and NRA, part of the sickness making our country the most violent society in the world. Saddam Hussein for all his atrocities doesn't even come close to the blood bath their anti-control tactics are responsible for." That is only an example to give you an idea of the reaches that this kind of issue can make. I would like to kind of bring it back into some kind of scope looking at exactly what happens in Maine and what isn't happening in Maine.

Gun safety in Maine, frankly, is not a compelling issue. According to the John Hopkins Injury Prevention Center in 1989 statistics, death from firearms doesn't even make the top 10 causes of death for Maine children. It doesn't even make the top ten. It does make the top ten nationally. In fact, the accident rate from firearms in Maine has been decreasing at a fairly constant rate over a period of years in large part due to the hunter safety and

firearms awareness programs that are, in fact, presented here. Part of our safety program requires that first-time hunters go through a safety program. It also requires those wanting to have a hand gun permit to exhibit some knowledge of hand guns. Although this may be applied a little differently in different municipalities, in some it is better than others, but it does require a knowledge of hand guns. So there are some pretty effective education programs going on, not to mention some of the programs that are going on in schools as well. The safety record in Maine is quite strong and it is not at all comparable to a couple of the other states that have passed this kind of legislation.

Just to speak briefly about the locks themselves, a lot of people don't understand and, I will be frank, I really didn't know a lot about trigger locks or trigger locking devices until we started dealing with this bill. There are many trigger locking devices available. There are a variety of different kinds. Some work only on hand guns, some work only on double action guns. There is one for hand guns that, in fact, uses thumb pressure. It is based on the assumption that an adult would have enough strength to release it and a child wouldn't. However, there probably are a lot of kids in their early teens that would have the strength to release that particular one. There is another one that uses a plastic band that wraps through the gun around the hammer, the plastic band could easily be cut. Master Lock has one, one key can work on all the locks, you can buy those at K-Mart or Zayres. A number of the locks simply lock up the trigger, they don't do anything with the rest of the mechanism with the hammer. There are many different kinds. In fact, they do not fit and there are not those available to fit 100 percent of the firearms that are available. So, we are talking about a portion, maybe about 80 percent of the guns that are sold. Companies that include locks with their guns admit that the gun should not be locked at all times, that they would be part of a comprehensive way of securing your firearms. For example, if I was keeping a firearm in my house for my personal protection, I probably wouldn't want to have it locked because if I needed it, I wouldn't want to have it locked in those circumstances. There are circumstances under which many people agree that you just wouldn't lock it. Again, it would only be used perhaps a certain amount of time.

The bill also requires only registered firearms dealers to sell these locks. That is what Amendment "A" requires, registered firearms dealers to sell these. In fact, the large majority of firearms sales are casual sales and not through registered firearms dealers.

The other amendment requires a brochure from a nationally organized non-profit organization to be distributed. I have concerns over our putting into law that a brochure should be distributed over which we have absolutely no control or review. We might feel comfortable with the brochure today, but it might change in a way that we don't feel comfortable having it represent a comprehensive policy. I am not comfortable with the alternative which would be "B" to distribute the brochure because, under the current circumstances, the financial difficulties the state is under is in no position to create its own brochure so it would have to rely on another organization's brochure and I question whether that should be a part

of state policy.

Just to sum up, we are talking about a bill that will require some trigger locking devices which would be for use part of the time on part of the firearms which are a fraction of all the sales or we would like to have a brochure distributed over which we have absolutely no control over the contents of that brochure, now or in the future. That is why I hope that you will join me in indefinitely postponing this bill.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I hope you will vote against this motion to indefinitely postpone this bill and all its accompanying papers.

This bill is a fairly innocuous bill and I am surprised it has raised the hackles of so many people that it has. All this bill requires is that a person selling firearms, a firearm dealer, sell a trigger lock with the firearm, a fairly inexpensive device. It is analogous to back when seat belts weren't included on automobiles. Now we require seat belts be sold on automobiles. It doesn't mean that everybody has to wear a seat belt but the probability of someone wearing a seat belt increases when a seat belt is in the car. Similarly, the probability that someone is going to use a safety device on a firearm increases when they own a safety device on a firearm. If they don't own a safety device on a firearm, they aren't going to use one. All this bill does is try to get safety devices in the hands of people owning firearms.

I hope you will vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I don't speak very often but I am going to address this one subject for one second. This safety device, so-called, if it is attempted to be installed in a loaded gun, it may cause a loaded gun to go off because you have to push the trigger ahead. As I stated before, no one in Maine ever got shot with a loaded gun, so I think you should consider this before we mandate the using of what could be a dangerous addition to a firearm.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Members of the House: This is a bill intended to recognize safety. I am only 58, I am not sensitive about it but I mention it because I have been around weapons all my life. I am not now an active hunter but my family has been engaged in that sport for years and I have participated. I had never seen a trigger locking device until one of the dealers in my town where I live showed it to me. I thought it was a good idea because a constituent had mentioned it to me, a life long member of the NRA, a real sportsman, and he had acquainted me with the notion. I went in and looked at one and bought one for my shotgun I have at home. I didn't buy that to attempt to lock a loaded weapon. No bill can make up for stupidity.

I was trying to send and the constituent that suggested this bill was trying to send a message of safety, nothing more nothing, nothing less. As far as the statistics not being overwhelming, five children in the last 18 months have died as a result of playing with guns.

Two companies have put forth trigger locking devices because they feel it will forsake or forestall potential lawsuits. Again, we get too complicated.

I believe the essence of this bill is simple safety. It will not address elements devoid of common sense. It isn't a big step (as the Kennebec Journal said) in supporting this bill. It is not a big step but it is a step in the direction of safety and calling attention to the danger of the safe storage of weapons or the holding of weapons in one's home.

I feel safer in my home for two reasons — should someone get in my closet, they would only find an unloaded weapon, the shells are stored elsewhere, sometimes I have a hard time finding them for I don't use that weapon much now. I can't use it when my wife is home because she won't let me shoot woodchucks and that's what the intent was for having the gun in the closet. I have visitors and they do go in the closet, they have no concern whatsoever, that gun will not go off, it is a real perfection of a device. It interlocks just like a car door locks, one section into the other. I feel it is sending a message of safety to me. I feel that message would be sent to other people.

I have voted on this floor against any form of gun control. I do not consider this a matter of gun control. Gun control will only protect those who are already legal because most gun control measures are violated by the outlaws to begin with. This is not that kind of a bill. I make the case to this point, I feel debate should be heard because there are other amendments to this bill and, therefore, I urge you tonight to vote against the impending motion.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: I voted on the "A" Amendment here for the simple reason this gives one more opportunity to have a safety device on a new weapon when it is purchased in the hands of people in their homes in case they did need one. It is not a mandate that you have to use it but it is there in case you want it.

The SPEAKER: The pending question before the House is the motion of Representative Daggett of Augusta to indefinitely postpone the Bill and all accompanying papers. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 69 in the negative, the motion to indefinitely postpone did not prevail.

Representative Plourde of Biddeford requested a vote on acceptance of Report "A."

The SPEAKER: The pending question before the House is the motion of Representative Lawrence of Kittery that the House accept Report "A." Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 73 in the negative, the motion to accept Report "A" did not prevail.

Subsequently Report "B" was accepted and the Bill read once.

Committee Amendment "B" (H-123) was read by the Clerk and adopted and the bill assigned for second reading, Thursday, April 18, 1991.

CONSENT CALENDAR

First Day

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

(S.P. 104) (L.D. 191) Bill "An Act to Change the Term 'Handicap' in the Maine Human Rights Act" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-53)

(S.P. 131) (L.D. 233) Bill "An Act to Amend the Provisions Regarding the Uniform Traffic Ticket and Complaint" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-54)

(S.P. 146) (L.D. 358) Bill "An Act to Ensure Safe Removal of Underground Oil Storage Tanks" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-48)

(S.P. 160) (L.D. 372) Bill "An Act to Correct the Registration of the Thorncrag-Stanton and Woodbury Sanctuary with the Department of Inland Fisheries and Wildlife" Committee on **Fisheries and Wildlife** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-50)

(S.P. 172) (L.D. 427) Bill "An Act Relating to Discrimination in Membership in Golf and Country Clubs" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-52)

(S.P. 280) (L.D. 739) Bill "An Act Regarding Moose and Antlerless Deer Permits for People Who Have Been Called to Active Duty" Committee on **Fisheries and Wildlife** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-49)

(S.P. 321) (L.D. 877) Bill "An Act to Amend the Augusta Sanitary District Charter to Comply with Federal Sewerage Pretreatment Requirements" (EMERGENCY) Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-51)

(S.P. 324) (L.D. 880) Bill "An Act to Provide for Notice of Termination of an Insurance Agency Appointment" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-57)

(H.P. 566) (L.D. 809) Bill "An Act to Amend Maine's Antitrust Laws" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-126)

(H.P. 158) (L.D. 243) Bill "An Act Regarding the Operation of the Superior Court" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-127)

(H.P. 722) (L.D. 1026) Bill "An Act to Alter the Mandate of the Maine Low-level Radioactive Waste Authority to Include Reduction of Low-level Radioactive Waste" Committee on **Energy and Natural**

Resources reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-128)

(H.P. 221) (L.D. 312) Bill "An Act to Clarify the Powers and Duties of the Department of Administration, through the Bureau of Purchases" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-129)

(H.P. 182) (L.D. 267) Bill "An Act to Prescribe the Duties and Liabilities of Roller-skating Rink Operators and Persons Who Use Roller-skating Rinks" Committee on **Business Legislation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-133)

(H.P. 546) (L.D. 783) Bill "An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-135)

(H.P. 465) (L.D. 659) Bill "An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-136)

(H.P. 408) (L.D. 591) Bill "An Act Restricting the Use of the Names of Maine Banks on Credit Cards" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-137)

(H.P. 786) (L.D. 1118) Bill "An Act to Require Casualty Insurers to Provide an Annual Valuation of Loss Reserves" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-138)

(H.P. 545) (L.D. 782) Bill "An Act to Correct Language in the Laws Governing Intensive Supervision" **Joint Select Committee on Corrections** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-139)

(H.P. 464) (L.D. 658) Bill "An Act to Clarify the Lien Rights of Water Utilities" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-140)

(H.P. 772) (L.D. 1104) Bill "An Act to Address Staffing Inequities Resulting from the Implementation of the Maine Financial and Administrative Statewide Information System Pursuant to the Maine Sunset Act" (EMERGENCY) Committee on **Audit and Program Review** reporting **"Ought to Pass"**

(H.P. 743) (L.D. 1047) Bill "An Act to Amend and Add to Certain Provisions of Geographic-based Information Services" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"**

(H.P. 564) (L.D. 807) Bill "An Act to Amend the Law Relating to Road Dust" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-141)

(H.P. 555) (L.D. 798) Bill "An Act to Amend the Power of Sale Foreclosure Laws" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-142)

(H.P. 355) (L.D. 485) Bill "An Act Concerning Destruction of Certain Court Records in Real Estate Matters" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-143)

(H.P. 169) (L.D. 254) Bill "An Act Regarding Court Deposits and Revenue Reporting" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-144)

(S.P. 251) (L.D. 709) Bill "An Act to Provide for Fiscal Year Accounting and Pretreatment Provisions for the Kennebec Sanitary Treatment District" Committee on **Utilities** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-46)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 18, 1991, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 702) (L.D. 1006) Bill "An Act to Amend the Laws Regarding Enhanced 9-1-1" (EMERGENCY)

(H.P. 708) (L.D. 1013) Bill "An Act to Amend the Qualification of Blueberry Producers Associations in the Maine Agriculture Marketing and Bargaining Act of 1973"

(H.P. 341) (L.D. 471) Bill "An Act to Amend the Maine Human Rights Act to Prohibit Educational Discrimination on the Basis of Race" (C. "A" H-109)

(H.P. 178) (L.D. 263) Bill "An Act Regarding Traffic Violations Bureaus" (C. "A" H-110)

(H.P. 268) (L.D. 388) Bill "An Act to Provide Payment of Restitution to the Offices of the District Attorneys" (C. "A" H-111)

(H.P. 97) (L.D. 138) Bill "An Act to Appropriate Funds to Continue the Surname Index Project at the Maine State Library" (C. "A" H-113)

(H.P. 573) (L.D. 824) Bill "An Act to Require Voter Approval for Disposal of School Property" (C. "A" H-114)

(S.P. 168) (L.D. 380) Bill "An Act to Amend the Appointment Process for the Panel of Mediators"

(S.P. 435) (L.D. 1156) Bill "An Act to Extend the Reporting Deadline of the Commission to Study the Certificate of Need Law and the Impact of Competitive

Market Forces on Ambulatory Health Services" (EMERGENCY)

(H.P. 516) (L.D. 744) Bill "An Act to Enable Retail Stores to Bottle and Sell Water on the Premises" (C. "A" H-119)

(H.P. 388) (L.D. 562) Bill "An Act Regarding Local Option Questions on the Sale of Beer and Wine" (C. "A" H-121)

(H.P. 346) (L.D. 476) Bill "An Act Concerning the Lobster Harvesting License Fee for Persons 70 Years of Age or Older" (C. "A" H-125)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were 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

As Amended

Bill "An Act to Remedy Statutory Inconsistencies" (EMERGENCY) (S.P. 463) (L.D. 1239) (C. "A" S-47 and S. "A" S-59)

Was reported by the Committee on **Bills in the Second Reading**, read the second time and Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Funding for Volunteer Literacy Services for Maine Citizens (S.P. 291) (L.D. 773) (H. "A" H-74)

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

The **SPEAKER**: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Before we pass this bill to enact it on an Emergency basis, I wondered if there was a person in this body who could explain the funding mechanism for this piece of legislation?

The **SPEAKER**: Representative Whitcomb of Waldo has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: I would draw the Representative's attention to House Amendment H-74 which is a fiscal note in the amount of \$60,000 in fiscal year 1991-1992, \$60,000 in fiscal year 1992-1993 to the Department of Education for the purposes of Adult Education for Literacy Volunteers of America in Maine. The Governor, in his current services budget, proposed in fiscal year 1991-1992 and fiscal year

1992-1993 \$35,000 annually for Literacy Volunteers of Maine through the Department of Education and it is a General Fund appropriation.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Dealing with the Public Utilities Commission's Involvement in Contract Settlements (H.P. 132) (L.D. 192) (C. "A" H-57)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Real Estate Brokerage Laws (S.P. 64) (L.D. 116) (C. "A" S-27; H. "A" H-64)

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.

ENACTOR

Tabled and Assigned

An Act to Expand the Applicability of Certain Energy Standards (S.P. 149) (L.D. 361) (C. "A" S-34)

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

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pose a question through the Chair to a member of the Energy Committee.

This bill has a fiscal note which reads, "Additional General Fund appropriations will be required to enforce mandatory standards." However, the additional funding directly related to this bill's expansion of the enforcement requirements cannot be determined at this time.

I would like to ask a member of the Energy Committee, since the General Fund is extremely tight for the next two years what the impact will be? It seems to me if we can't determine the increase cost, it doesn't seem particularly responsible to pass the bill. I am also worried that enforcement costs for these mandatory standards may be placed back on local budgets through code enforcement.

The SPEAKER: Representative Foss of Yarmouth has H-525 posed a question through the Chair to any member of

the Energy and Natural Resources Committee who may respond if they so desire.

Representative Foss of Yarmouth requested a roll call vote.

On motion of Representative Jacques of Waterville tabled pending passage to be enacted (roll call having been requested) and specially assigned for Thursday, April 18, 1991.

PASSED TO BE ENACTED

An Act Providing a Procedure for the Termination of the Degree-granting Authority of Educational Institutions (S.P. 273) (L.D. 732) (H. "A" H-73)

An Act to Modify the Law Relating to Continuing Deliberation by a Civil Jury in the Face of Disagreement (S.P. 313) (L.D. 851) (C. "A" S-36)

An Act to Amend the Laws Pertaining to Car Dealerships (H.P. 247) (L.D. 338) (C. "A" H-52)

An Act to Provide Administrative Oversight of Organic Food Certification in Maine (H.P. 422) (L.D. 605) (H. "A" H-63)

An Act Regarding Amber Lights on Snowplows and Sanding Equipment (H.P. 424) (L.D. 607) (C. "A" H-59)

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.

FINALLY PASSED

Resolve, to Name the Bridge Crossing the Sebasticook River in Benton the Benton Veterans' Memorial Bridge (H.P. 385) (L.D. 559) (C. "A" H-58)

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Protect Children from Illegal Tobacco Sales" (S.P. 506) (L.D. 1344) (Committee on Legal Affairs suggested)

- In Senate, Referred to Committee on Business Legislation.

TABLED - April 16, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Reference in concurrence.

Representative Sheltra of Biddeford moved that the Bill be referred to the Committee on Business Legislation in concurrence.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, I ask for a roll call.

Mr. Speaker, Ladies and Gentlemen of the House: I really don't like speaking to this body on a reference fight but this is a serious bill. It makes a dramatic change in the policy of this state. It would require that people selling tobacco be licensed and that license be issued by the Liquor Commission and that the Bureau of Alcoholic Beverages be expanded to enforce the licensing procedure.

One section of this bill deals with vending machines that would outlaw the sale of cigarettes in vending machines. The Legal Affairs Committee deals with all matters dealing with the Liquor Commission. The Legal Affairs Committee deals with the drug policy of this state, it deals with the Liquor Commission, it deals with the Bureau of Alcoholic Beverages. If this bill was referred to the Committee on Business Legislation, it would in effect split the Bureau of Alcoholic Beverages between the Committee on Business Legislation and the Committee on Legal Affairs. I would request your support in defeating this motion to refer it to the Committee on Business Legislation so that we can refer it to the Committee on Legal Affairs.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: This bill came before this last session, the 114th, and the Committee on Reference of Bills at that point in time did refer it to Business Legislation. It is the identical title that it had in the prior session, with the very same Statement of Fact. The question being, as far as the Bureau of Alcoholic Beverage is concerned, this is a matter whereby we will have enforcement. We are actually dealing with children. This bill is a child health protection measure. All of you have heard the important statistics about kids and cigarettes. Twenty-three percent of Maine high school students are addicted to tobacco by the time they graduate. 90 percent of all smokers became addicted before the age of 18, the legal age of purchase in Maine. These statistics are clear proof that our current law which plainly prohibits tobacco sales to children under the age of 18 is just not being enforced. That is why this bill is before you, to create a mechanism for enforcing the law this legislature passed several years ago to protect the health of the children.

Actually what we did last session, we came through as far as vending machines were concerned that they had to be conspicuous in the establishments whereby they might be housed and this bill deals with doing away with the vending machines entirely.

If we were to take in hand every bill that comes in here before us, if we were to dissect it and try to figure out as to what committee it should go before, we would be writing paper here until next Christmas. Where we have handled this bill before, we have done a good job, we would like to have it referred to our committee once again so that we can set everything straight.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was referred to the Committee on Business Legislation two years ago. It was sponsored by the Chair of the Committee on Business Legislation. Why it got referred to the Business Legislation Committee, I do not know. I was not Chair of Legal Affairs at that time but no legislature is bound to repeat its mistakes every two years. 97 percent of this bill that is 20 pages long, only one paragraph deals with vending machines, the entire rest of the bill deals with the Liquor Commission and the Bureau of Alcoholic Beverages.

The Representative from Biddeford spoke highly about what we should do about tobacco sales but I will remind you that the Business Legislation Committee killed this bill last year. The tobacco industry is lobbying heavily to have this bill go to the Business Legislation Committee again this year. This bill rightfully belongs in the Committee on Legal Affairs where we can look at the drug policy of this state and where we can look at the effects of this bill on the Liquor Commission and the Bureau of Alcoholic Beverages.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: Before we get too carried away, let's relax a little bit, take a breath on this one, the world won't come crashing down, regardless of which committee gets this bill. Although my committee, Business Legislation, killed this bill last time, I don't think that is going to happen again this time. Last time we asked that vending machines be placed in the direct supervision of persons where those vending machines were. That is not being carried out and it is highly likely that we will be looking at banning vending machines altogether.

Also, the aspect of licensure of tobacco sales has always been the purview of the Committee on Business Legislation. As a matter of fact, we do it for 42 professions, including M.D.'s, Osteopaths, chiropractors, electricians, plumbers, beauticians, maybe aestheticians before we are through this year. Quite frankly, I think that if we can deal with those issues of health and safety of the consumer, I think we can deal with this one as well.

However, we must recognize that committees sometimes have overlapping jurisdiction. Usually where there is overlapping jurisdiction, we tend to go along with the committee on reference and go with their recommendation because where there is overlapping jurisdiction, we recognize that committees all have a certain amount of expertise and that none of them will cause great harm if we allow them to work on a bill.

Although this has been referred to the Committee on Legal Affairs, it has always been a bill that came to Business Legislation, it should continue to do so because of one important factor, we have dealt with the bill, we have dealt with the parties involved, we have the legislative memory on this one, we tried last year to deal with this in a rational manner, we took the word of people on this bill and they were not carried out. We are in no mood this year to kill this bill, I can guarantee you. The bill needs modification to make it acceptable and I think the modifications that would be made would be the same modifications whether it is the Legal Affairs

Committee or Business Legislation because I think we see eye to eye.

I would much prefer, if you would, please, refer this bill to the Committee on Business Legislation, but if you choose to send it to the Committee on Legal Affairs, it is not going to be a big deal.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: The previous speaker alluded to the fact that his advice to you is, when in doubt, let's go with the recommendation of the Committee on Reference of Bills. I might point out to you that in the printing of this item, the Committee on Reference suggested the Committee on Legal Affairs.

I also reiterate the fact that an error that might have been created in the past does not necessarily have to be recreated presently or in the future. Those are the two points that I wish to bring. The comment, when in doubt, let's go with the Committee on Reference's suggestion, and the second is, if, in fact, we might have made an error two years ago, why do we have to repeat it?

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The way the Representative from Biddeford described it, it really should be going to Human Resources. We are the ones who protect the children of this state. I don't think it is the business community who is really protecting it but I have got to go along with my colleague from Kittery and say that that is the area that I think it should be going to. Although when it first came out people said, shouldn't we be dealing with it? I said, no, I think when you look at this bill, it really deals with liquor enforcement and I think that is the area that that bill should go to.

I would hope you would follow Representative Lawrence's light and put this in the Committee on Legal Affairs.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Members of the House: Representative Manning just proved my point, if we were to oversee all of these bills, you would find that the majority of them would be dissected, would be split up, and referred to different committees. My point again is the fact that we did tend to it, did review it last session, we are certainly capable enough at this time to do it again and do the job correctly. I hope that you sustain my vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Biddeford, Representative Sheltra, that L.D. 1344 be referred to the Committee on Business Legislation. Those in favor will vote yes; those opposed will vote no.

YEA - Aikman, Bailey, H.; Bennett, Carroll, D.; Coles, Constantine, Donnelly, Dutremble, L.; Garland, Graham, Gurney, Gwadosky, Hoglund, Jacques, Jalbert, Kerr, Kutasi, Lebowitz, Libby, Lord, Luther, Marsano, Martin, H.; Mayo, McHenry, Melendy, Merrill, Nutting, Paul, Reed, G.; Reed, W.; Ricker, Rotondi, Rydell, Sheltra, Skoglund, Vigue, Whitcomb.

NAY - Adams, Anderson, Anthony, Ault, Bailey, R.; Barth, Bell, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, J.; Cathcart, Chonko, Clark, H.; Cote, Crowley, Daggett, DiPietro, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Gean, Goodridge, Gould, R. A.; Gray, Greenlaw, Hale, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hichens, Holt, Hussey, Joseph, Ketover, Ketterer, Kontos, LaPointe, Lawrence, Lemke, Lipman, Look, MacBride, Macomber, Mahany, Manning, Marsh, McKeen, Michaud, Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Powers, Rand, Richards, Richardson, Ruhlin, Saint Onge, Salisbury, Savage, Simonds, Simpson, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth.

ABSENT - Aliberti, Cashman, Clark, M.; Dore, Duffy, Kilkelly, Larrivee, Mitchell, E.; Pouliot, Tardy, The Speaker.

Yes, 38; No, 102; Absent, 11; Paired, 0; Excused, 0.

38 having voted in the affirmative and 102 in the negative with 11 being absent, the motion did not prevail.

Subsequently, on motion of Representative Lawrence of Kittery, the Bill was referred to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-89) - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives (H.P. 256) (L.D. 347)

TABLED - April 16, 1991 by Representative JOSEPH of Waterville.

PENDING - Motion of same Representative to Accept the Minority "Ought to Pass" as Amended Report.

On motion of Representative Joseph of Waterville, retabled pending the motion of the same Representative that the House accept the Minority "Ought to Pass" as amended Report and specially assigned for Thursday, April 18, 1991.

Off Record Remarks

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem for Thursday, April 18, 1991.

On motion of Representative Hogle of Portland, Adjourned at 6:14 p.m. until Thursday, April 18, 1991, at five o'clock in the afternoon.
