

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Eleventh Legislature

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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HOUSE

Monday, May 16, 1983

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

Prayer by Father Chris Roy of the Holy Family Catholic Church, Lewiston.

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

The journal of the previous session was read and approved.

**Papers from the Senate
Later Today Assigned**

Bill "An Act Affecting the Organization of the Department of Business Regulation" (S. P. 541) (L. D. 1580)

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

In the House, on motion of Mr. Paradis of Augusta, tabled pending reference in concurrence and later today assigned.

**Reports of Committees
Unanimous Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Provide an Income Tax Credit for Automobile Child Restraint Devices" (S. P. 334) (L. D. 979)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Relating to Attorney's Fees under the Workers' Compensation Law" (S. P. 204) (L. D. 626)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Relating to the Annual Adjustment under the Workers' Compensation Act" (S. P. 330) (L. D. 975)

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

**Petitions, Bills and Resolves
Requiring Reference**

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

Aging, Retirement and Veterans

Bill "An Act to Modify Early Retirement Plans for State Employees Hired After September 30, 1983" (H. P. 1218) (Presented by Representative McCollister of Canton) (Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative McSWEENEY of Old Orchard Beach, it was

ORDERED, that Representative Leland C. Davis, Jr. of Monmouth be excused May 11 through the duration of his illness.

**House Reports of Committees
Unanimous Ought Not to Pass**

Representative Kelleher from the Committee on Appropriations and Financial Affairs on Bill "An Act to Abolish County Subsidies to the Superior Court System" (H. P. 752) (L. D. 983) reporting "Ought Not to Pass".

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

Unanimous Leave to Withdraw

Representative Vose from the Committee on Public Utilities on Bill "An Act to Establish a 30-Mile Evacuation Area around Nuclear Power Plants" (H. P. 737) (L. D. 946) reporting "Leave to Withdraw".

Representative Macomber from the Committee on Transportation on Bill "An Act to Permit Producers of Perishable Products to Ship on Seasonally Closed Ways" (H. P. 1112) (L. D. 1470) reporting "Leave to Withdraw".

Representative Andrews from the Committee on Taxation on Bill "An Act to Provide a Trade-in Credit for the Sales Tax on Campers" (H. P. 463) (L. D. 565) reporting "Leave to

Withdraw".

Representative Andrews from the Committee on Taxation on Bill "An Act to Allow a Refund of Sales Tax on Depreciable Machinery and Equipment used in Aquaculture" (H. P. 593) (L. D. 737) reporting "Leave to Withdraw".

Representative Higgins from the Committee on Taxation on Bill "An Act to Provide for a Local Excise Tax on Watercraft" (H. P. 678) (L. D. 861) reporting "Leave to Withdraw".

Representative Higgins from the Committee on Taxation on Bill "An Act to Establish a Limitation of 7 Years to Redeem Property taken by a Municipality for Taxes" (H. P. 718) (L. D. 909) 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 Small from the Committee on Education on Bill "An Act to Amend the Laws Pertaining to Dissolution and Withdrawal from School Administrative Districts and Community School Districts" (H. P. 854) (L. D. 1104) reporting "Ought to Pass" in New Draft (H. P. 1214) (L. D. 1610)

Report was read and accepted. The New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Representative Jacques from the Committee on Energy and Natural Resources on Bill "An Act to Prevent the Closing of Fire Lookout Towers" (H. P. 153) (L. D. 161) reporting "Ought to Pass" in New Draft (H. P. 1217) (L. D. 1613)

Report was read and accepted. The New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Prevent Abuses in Certain Land Installment Contracts" (H. P. 853) (L. D. 1103) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Certain Disclosures in Land Installment Contracts for Improved Residential Property and to Provide for Recordation of those Contracts" (H. P. 1213) (L. D. 1609)

Report was read and accepted. The New Draft given its first reading and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act to Regulate Smoking on Public Conveyances in the State of Maine" (H. P. 829) (L. D. 1067) reporting "Ought to Pass" in New Draft (H. P. 1211) (L. D. 1604)

Report was signed by the following members:
Senator:

BUSTIN of Kennebec

— of the Senate.

Representatives:

RICHARD of Madison
PINES of Limestone
MANNING of Portland
CARROLL of Gray
MELENDY of Rockland
BRODEUR of Auburn
NELSON of Portland

— of the House.

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

Report was signed by the following members:
Senators:

CARPENTER of Aroostook
GILL of Cumberland

Representatives:

WEBSTER of Farmington
MAYBURY of Brewer

— of the House.

Representative SEAVEY of Kennebecport—

of the House—Abstaining.

Reports were read.

On motion of Mrs. Nelson of Portland, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading later in the day.

**Consent Calendar
First Day**

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

Tabled and Assigned

(S. P. 451) (L. D. 1372) Bill "An Act to Expand the Tourism Promotion Program" (Emergency)—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-116)

On the request of Mr. Carter of Winslow, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report was tomorrow assigned.

**Consent Calendar
Second Day**

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

(H. P. 950) (L. D. 1231) Bill "An Act to Amend the Election Laws" (C. "A" H-238)

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

Passed to Be Engrossed

Bill "An Act Relating to Registration and Inspection of Motor Trucks used for Fishing" (H. P. 1205) (L. D. 1600)

Bill "An Act Related to Unauthorized Taking of Agricultural Products" (H. P. 1209) (L. D. 1603)

Bill "An Act Concerning the Admissibility in Criminal Proceedings of Statements by Minors Describing Sexual Contact" (H. P. 1201) (L. D. 1595)

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

Orders of the Day

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

Bill "An Act to Revise the Truancy Laws" (H. P. 877) (L. D. 1131)

Tabled—May 12, 1983 by Representative Thompson of South Portland.

Pending—Motion of Representative Connolly of Portland to reconsider whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-213).

On motion of Mr. Connolly of Portland, retabled pending his motion to reconsider whereby the Bill was passed to be engrossed and later today assigned.

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

Bill "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws" (Emergency) (H. P. 1177) (L. D. 1571)

—In House, Referred to the Committee on Taxation on May 5, 1983.

—In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-113) without reference to a Committee.

Tabled—May 12, 1983 by Representative Higgins of Portland.

Pending—Further Consideration.

On motion of Mr. Diamond of Bangor, retabled pending further consideration and later today assigned.

The Chair laid before the House the third

tabled and today assigned matter:

An Act Relating to Attendants for Power Boilers (H. P. 1180) (L. D. 1572)

Tabled—May 13, 1983 by Representative Armstrong of Wilton.

Pending—Passage to be Enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill, "An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity" (H. P. 609) (L. D. 757)

Tabled—May 13, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On motion of Mrs. Nelson of Portland, the Bill was recommitted to the Committee on Health and Institutional Services and sent up for concurrence.

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

JOINT ORDER (H. P. 1204) relative to amending Joint Rule 21-A.

Tabled—May 13, 1983 by Representative Diamond of Bangor.

Pending—Passage.

On motion of Mr. Diamond of Bangor, retabled pending passage and later today assigned.

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

An Act Relating to Drinking in Public (S. P. 420) (L. D. 1273) (H. "A" H-201 to C. "A" S-86)

Tabled—May 13, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Diamond of Bangor, retabled pending passage to be enacted and later today assigned.

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

Mrs. MITCHELL: Mr. Speaker, is the House in possession of Senate Paper 357, L.D. 1078, An Act Pertaining to License Revocation Notices Issued by the Commissioner of Inland Fisheries and Wildlife?

The SPEAKER: The Chair would answer in the affirmative, having been held at the gentlewoman's request.

Mrs. MITCHELL: Mr. Speaker, I move we reconsider whereby this Bill was passed to be enacted and further move that this be tabled until later in today's session.

Thereupon, tabled pending the motion of Mrs. Mitchell of Vassalboro to reconsider enactment and later today assigned.

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

Bill "An Act Relating to Emergency Planning for the Area Around Nuclear Power Plants" (S. P. 547) (L. D. 1598)

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

In the House, on motion of Mr. Vose of Eastport, the Bill was referred to the Committee on Public Utilities in non-concurrence and sent up for concurrence.

Bill "An Act to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws" (S. P. 548) (L. D. 1599)

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

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

Unanimous Ought Not to Pass

Representative Soule from the Committee on Bill "An Act Relating to the Establishment of Clear Title to Real Estate" (H. P. 986) (L. D. 1291) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Livesay from the Committee on Judiciary on Bill "An Act to Clarify Citizen Standing in Environmental Litigation" (H. P. 733) (L. D. 942) reporting "Leave to Withdraw"

Representative Foster from the Committee on Judiciary on Bill "An Act Concerning the Exclusion of Children in Apartment Buildings" (H. P. 760) (L. D. 991) reporting "Leave to Withdraw"

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

Divided Report

Nine Members of the Committee on Energy and Natural Resources on Bill "An Act to Require Review of Road Construction" (H. P. 627) (L. D. 779) report in Report "A" that the same "Ought to Pass" in New Draft "A" (H. P. 1215) (L. D. 1611)

Report was signed by the following members:

Senators:

KANY of Kennebec

McBREAIRTY of Arrostook

PEARSON of Penobscot

— of the Senate.

Representatives:

HALL of Sangerville

MICHAUD of East Millinocket

KIESMAN of Fryeburg

JACQUES of Waterville

McGOWAN of Pittsfield

RIDLEY of Shapleigh

— of the House.

Two Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" in New Draft "B" (H. P. 1216) (L. D. 1612)

Report was signed by the following members:

Representatives:

MICHAEL of Auburn

MITCHELL of Freeport

— of the House.

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

Report was signed by the following members:

Representatives:

BROWN of Livermore Falls

DEXTER of Kingfield

— of the House.

Reports were read.

On motion of Mr. Hall of Sangerville, Report A, "Ought to Pass" in New Draft was accepted, the New Draft read once and assigned for second reading later in the day.

(Off Record Remarks)

On motion of Representative Reeves of Pittston,

Recessed until ten-thirty in the morning.

After Recess 10:30 a.m.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act Affecting the Organization of the Department of Business Regulation" (S. P. 541) (L. D. 1580) which was tabled and later today assigned pending reference in concurrence. (In Senate, referred to the Committee on Busi-

ness Legislation)

Thereupon, the Bill was referred to the Committee on Business Legislation in concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Truancy Laws" (H. P. 877) (L. D. 1131) (C. "A" H-213) which was tabled and later today assigned pending the motion of Mr. Connolly of Portland to reconsider whereby the Bill was passed to be engrossed.

On motion of Mr. Connolly of Portland, retabled pending his motion to reconsider and later today assigned.

The Chair laid before the House the following matter:

Bill "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws" (Emergency) (H. P. 1177) (L. D. 1571) which was tabled and later today assigned pending further consideration. (In House, referred to the Committee on Taxation. In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-113) without reference to a committee)

On motion of Mr. Higgins of Portland, retabled pending further consideration and later today assigned.

On motion of Mr. Diamond of Bangor, Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

By unanimous consent, all matters acted upon earlier in the day were ordered sent forthwith to the Senate.

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

Expressions of Legislative Sentiment Recognizing:

Charles Shipman Payson, whose generosity has made possible the construction of the Charles Shipman Payson Building of the Portland Museum of Art; (HLS 503) by Representative Mitchell of Freeport (Cosponsors: Representatives Masterton of Cape Elizabeth, Nelson of Portland and Senator Conley of Cumberland)

The Order was read.

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

Mr. MITCHELL: Mr. Speaker, Men and Women of the House: I think we should pause a minute to think about the great gift that was presented to the people of Maine last weekend. The Charles Shipman Payson Gallery at the Portland Museum of Art was dedicated Saturday. This new museum represents many years of planning and work by the citizens of Portland and made possible through the generous gifts and endowments of Mr. Payson, a native of Portland and a resident of Falmouth. It is a museum of national significance and the museum will hold a major collection of Maine art.

Maine art is nationally known for its honesty and its simplicity, and art is a mirror of people and their character. The City of Portland is now the home of this splendid museum. The museum is truly an asset to Portland and to the State of Maine and to the country.

The Order honors the great benefactor of this museum. It is truly a remarkable gift for the people of Maine.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Bonney.

Mr. BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: This is one of those days when I am very proud of my town, because

Charles Shipman Payson is a native of there.

Some of you may not know that for his gift and his museum, the media came from both sides of the Atlantic and will give coverage all summer long to his gift.

All his life he has shared his wealth not only in art but in many, many charities. As a teenager—this might be of interest to some of you—his private yacht, I remember seeing as a teenager, was the model for the PT boat of World War II.

He has helped many young people through college. It so happened that one of the boys that went with me was sponsored by Mr. Payson, not a loan, without any interest, a straight gift, and all Mr. Payson has ever asked when he has helped a youngster through college—when you become successful, please help somebody else.

He is one of Maine's top benefactors and I am proud that we come from the same town.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I just wanted to tell you that Saturday and Sunday, 16,000 men, women and children, not just from Portland but from the whole state, lined up and waited, some in rain, to see that magnificent building which is a credit to all people of the State of Maine.

Thereupon, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

The following Joint Order: (S. P. 560)

ORDERED, the House concurring, that Bill, "AN ACT Regulating the Activities of Political Action Committees," H. P. 306, L. D. 365, be recalled from the Engrossing Department to the Senate.

Came from the Senate read and passed.

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

Passed to be Engrossed

Bill "An Act to Amend the Laws Pertaining to Dissolution and Withdrawal from School Administrative Districts and Community School Districts" (H. P. 1214) (L. D. 1610)

Bill "An Act to Prevent the Closing of Fire Lookout Towers" (H. P. 1217) (L. D. 1613)

Bill "An Act to Require Certain Disclosures in Land Installment Contracts for Improved Residential Property and to Provide for Recordation of those Contracts" (H. P. 1213) (L. D. 1609)

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

Bill "An Act to Regulate Smoking on Public Conveyances in the State of Maine" (H. P. 1211) (L. D. 1604)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mrs. Pines of Limestone offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-240) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Limestone, Mrs. Pines.

Mrs. PINES: Mr. Speaker, Ladies and Gentlemen of the House: In reviewing L.D. 1604, it was brought to my attention that we have more or less discriminated against intrastate private buses in this law. My amendment would allow smoking in prohibited intrastate buses except as follows: An intrastate bus which is traveling over 50 total miles, persons may smoke only in designated areas. This was not allowed in the previous law. An appropriate sign shall be placed in the designated areas and no smoking areas.

Thereupon, House Amendment "A" was

adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

Bill "An Act to Require Review of Road Construction" (H. P. 1215) (L. D. 1611)

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

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

Passed to be Enacted Emergency Measures

An Act Relating to Enforcement of Handicapped Parking Zones on Turnpikes and the Interstate System by State Police (H. P. 931) (L. D. 1210) (C. "A" H-210)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish a State Standard for Funding Certain Workers under the Workers' Compensation Commission (H. P. 1083) (L. D. 1429) (H. "A" H-214)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Allow Retailers to Sell Prison Made Items (H. P. 1097) (L. D. 1445)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Protect the Integrity of the Unemployment Compensation Fund (H. P. 1174) (L. D. 1561) (H. "A" H-218)

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

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. During 1974-75, we acquired a debt of \$36 million; I was wondering just where we stand on repayment to the federal government on that? Could somebody explain it to me?

The SPEAKER: The gentleman from Mars Hill, Mr. Smith, 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, Ladies and Gentlemen of the House: The current balance is being paid off, and my understanding is that within a year from now we should have paid off this amount. Unfortunately, we have filed a request, in case we need it, to borrow some more from the federal government, but the \$36 million is being paid off.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, one other question I forgot to ask the first time. Maybe Mrs. Beaulieu can tell me. I see in the Statement of Fact that if we progress here, in a few years we might be in the same predicament. Are they taking care of that in this bill?

The SPEAKER: The gentleman from Island Falls, Mr. Smith, has posed an additional question through the Chair.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I can't say we are taking care of it in this bill. The reason for the bill is because that is one aspect that we need to look and see what we will have to do in case we get into that situation again.

This is a study order of the unemployment comp system, and that is one of those things that we want to look at.

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.

112 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Agricultural Contracts (S. P. 272) (L. D. 835) (H. "A" H-212 to C. "A" S-81)

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 Make Extreme Anger or Extreme Fear Brought About by Adequate Provocation an Affirmative Defense which Reduces Murder to Manslaughter, and to Create the Crime of Intentional or Knowing Manslaughter (S. P. 447) (L. D. 1368)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and tomorrow assigned.

An Act to Restructure Maine's Insurance Management Program (S. P. 482) (L. D. 1464) (C. "A" S-106)

An Act Relating to Forged or Illegal Prescriptions (S. P. 492) (L. D. 1491)

An Act to Permit Barbers to Cut Hair Outside of Barber Shops (H. P. 293) (L. D. 352) (C. "A" H-215)

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

Tabled and Assigned

An Act to License Waste Oil Dealers and to Include Waste Oil Within Coverage of the Maine Hazardous Waste Fund (H. P. 389) (L. D. 472) (C. "A" H-223)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and tomorrow assigned.

An Act to Amend the Reporting Requirements in Cases of Death Due to Abuse or Neglect (H. P. 715) (L. D. 906) (H. "A" H-229)

An Act to Conform State Antitrust Laws with Federal Antitrust Laws (H. P. 788) (L. D. 1030) (C. "A" H-216)

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

Tabled and Assigned

An Act to Amend the Statutes Governing the

Licensing and Approval of Adult and Child Care Programs (H. P. 791) (L. D. 1032) (C. "A" H-208)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and tomorrow assigned.

An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law (H. P. 1084) (L. D. 1432)

An Act Relating to Victims' Bill of Rights (H. P. 1192) (L. D. 1578)

Finally Passed

RESOLVE, Directing the State Planning Office to Inventory Virgin Timber Stands on State Lands (H. P. 1193) (L. D. 1579)

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

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

Bill "An Act Concerning Group Life Insurance for State Employees and Teachers" (Emergency) (S. P. 556)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, the Bill was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Define Connection under the Liquor Laws" (S. P. 557)

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

In the House, the Bill was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Concerning Volunteer Marine Patrol Officers" (Emergency) (S. P. 558)

Came from the Senate referred to the Committee on Marine Resources in concurrence.

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

Unanimous Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Abolish County Subsidies to the Superior Court System" (S. P. 271) (L. D. 824)

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

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to Guidelines for Certain Police Powers" (S. P. 285) (L. D. 873)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to Leases of Dwelling Units in a Multi-unit Residential Building where More than a Month's Rent is Required in Advance" (S. P. 291) (L. D. 879)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Create a State Civil Rights Act" (S. P. 329) (L. D. 974)

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

Ought to Pass in New Draft

Report of the Committee on Agriculture on Bill "An Act to Protect the Public from Unsafe Pesticide Use" (S. P. 348) (L. D. 1022) reporting "Ought to Pass" in New Draft (S. P. 553) (L. D. 1602)

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, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Six Members of the Committee on Health and Institutional Services on Bill "An Act to Prohibit Smoking in Food Stores and Portions of Restaurants" (S. P. 68) (L. D. 174) report in Report "A" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Require Signs Relating to Smoking in Retail Food Stores and Restaurants, and to Require a No Smoking Area in Larger Restaurants" (S. P. 549) (L. D. 1591)

Report was signed by the following members:

Senator:

BUSTIN of Kennebec

— of the Senate.

Representatives:

CARROLL of Gray

BRODEUR of Auburn

MELENDY of Rockland

MANNING of Portland

NELSON of Portland

— of the House.

Four Members of the same Committee on the same Bill report in Report "B" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Require Signs Relating to Smoking in Retail Food Stores and Restaurants" (S. P. 550) (L. D. 1592)

Report was signed by the following members:

Senator:

GILL of Cumberland

— of the Senate.

Representatives:

PINES of Limestone

RICHARD of Madison

MAYBURY of Brewer

— of the House.

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

Report was signed by the following members:

Senator:

CARPENTER of Aroostook

— of the Senate.

Representatives:

WEBSTER of Farmington

SEAVEY of Kennebunkport

— of the House.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, I move acceptance of Committee Report B and would like to speak briefly to my motion.

The SPEAKER: The gentleman from Madison, Mr. Richard, moves that Report B, "Ought to Pass" in New Draft be accepted in non-concurrence.

The gentleman may proceed.

Mr. RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: After a long, prolonged debate in the Committee on Health and Institutional Services, and in failing to arrive at a consensus, this can truly be considered as a compromise position on this piece of legislation regarding smoking in food stores and restaurants. Essentially, it asks that each of these institutions post whatever their policy may be. There are no fines imposed and essentially this is it.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to debate this issue today. I just feel the legislation is unnecessary and unenforceable and would request a division.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Although I am not on the same side as the gentleman from Madison, Mr. Richard, I realize the realities of this bill and I would hope you would go along with the gentleman's motion to accept the Report B.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this Bill and all its accompanying papers and request that the committee report be read.

The SPEAKER: The gentleman from Canton, Mr. McCollister, moves that this bill and all its accompanying papers be indefinitely postponed in concurrence.

The Chair will order a vote. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Manning of Portland requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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 having expressed a desire for a roll call, a roll call was ordered.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is not forcing anyone to go to court. It is just making it that if any supermarket indicated that they were not going to allow smoking in the supermarket, then they must post the sign outside or inside so people are aware of that.

I am sure you have had many of your constituents say to you that when they have gone shopping, they get a little upset when somebody is smoking a cigarette or a cigar over the fresh tomatoes. Also, they have looked around and they have seen them smoking a big cigar over the fresh cuts of meat. Mr. Cox says he hasn't gotten any calls on it; well, I have. I got a call, and it was a call from my mother. Everytime I see her when she comes back from shopping, she says, can't you do something about that? I say, well, we're trying to do something about it.

Shaw's Supermarket, which is probably one of the largest in the state, and Hannaford, which is probably one of the largest in the state, have no problem with this part of the amendment.

Also, when it comes to restaurants, all we are asking is that the restaurant post just exactly what their policy is. It doesn't say they have to have a smoking section. My amendment would have said they would have to have a smoking section. This one just says whether or not they have a section or they don't have a smoking section.

This is a complete compromise. I just can't imagine us not going along with this. All this is is notifying the general public on what the policies are going to be.

I would hope you wouldn't indefinitely postpone this. We don't want to go into what smoking does because I think you all know what smoking does. I think the gentleman from Canton heard enough of it two years ago when he was on my committee, and if anybody in this room can tell me that smoking is not hazardous to one's health, then I would like to see the facts and figures.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: Earlier I asked that the Committee Report be read, because only by listening to it be read does it really dawn on you how badly divided that committee was. I believe the division within the committee justifies the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker and Members of the House: Very briefly, this position of Report B is a compromise that was agreed to by the Maine Restaurants Association. The reason that we agreed to all this particular motion to be made and to support it was in order to get some sort of support for the bill, and I hope the members of the House will support Report B.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to commend those who have signed Report B. There are many people out there in the main who are allergic to smoke and I am one of them. I have gone many times to restaurants to eat only to have the person next to me have a very delightful after dinner smoke. I don't begrudge him that, and I don't smoke, the only reason I don't smoke is because I am allergic to it and I have a severe allergic reaction. So I think they ought to be commended for taking into consideration those rights of those people who cannot smoke because of health reasons.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: The reason which Representative McCollister just indicated for not voting for this bill should be the exact reason you should be voting for it. It is a compromise and it does take into consideration the rights of smokers and nonsmokers, and it does have the backing of the Retail Association as well as the Maine Restaurant Association.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: This may have the backing, Committee Report B, of the Maine Grocers Association, but it does not have the backing of my small grocery stores. Those of us who represent rural districts find it frustrating to see that continually we pass laws and regulations here in Augusta, many times that don't do anything, and here is an example—we are requiring the grocery stores in my district who sell to friends and neighbors who come in to put a sign up. The sign simply says "No Smoking" if that is their policy. Very few stores in my district have that policy. They are trying to make a living and they are not going to stop the local neighbor from coming in and smoking while he is in the store.

My argument is, this is another unnecessary law that we are putting on the books. There's no teeth in the smoking law, as you all know. There is no police officer in this state who is going to throw anybody out of a grocery store.

I think two years ago when legislation was initially offered to state a policy, it was a good idea, but we continually pass and more laws here on smoking and other areas of legislation that really are not necessary and don't do anything. So I ask you to indefinitely postpone this measure so that it can die a solid death.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: That's exactly right. What we have done is, we have said to the retail stores, managers, and to those people who own and run restaurants, make a statement, say you prohibit smoking or you don't prohibit smoking. If a small Mom and Pop store has a policy, doesn't wish to make a statement, or simply says yes, smoking is permitted, you put the sign up and you say that.

It is very, very important that we as a legislature make a statement to the number one killer in the United States, and that is smoking, that if you have a policy, you put a sign up and you say "No Smoking."

How does the state prevent people from going into stores barefooted? There is a sign up

in almost every retail store that says there will be no one barefooted allowed in the store. We are just saying the same thing about smoking, that if the people in that store decide there will be no smoking, they put a sign up and say "Smoking is Prohibited." If they don't have a policy, then they don't put a sign up. It is a very small step.

We asked the restaurants of the state if they would have a policy, and they came back to us and said—well, no one says anything. This way, if there is a policy, it is stated at the beginning when you come into the restaurant, and if you wish to have a no smoking or be seated aside in a particular area, there is an area available, wonderful; if not, you know that too. Also as a patron you might say to the person who is showing you to your table, do you have a policy? That would raise the consciousness of some of the restaurateurs that there are people out there who do prefer a smoke-free area. That is exactly what we are trying to do in our committee, and I do hope that you will vote against the indefinite postponement of this measure.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: Again the Representative from Farmington has strengthened the argument. Here we have an opportunity to pass a law that will actually take into consideration the rights and privileges of all the citizens in the State of Maine.

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

Mr. MACOMBER: Mr. Speaker, I would like to pose a question to the gentlady from Portland. Is there anything to prohibit a store owner from putting up a sign now without having a law that makes it necessary?

The SPEAKER: The gentleman from South Portland, Mr. Macomber, has posed a question through the Chair to the gentlady from Portland, Mrs. Nelson, who may answer if she so desires, and the Chair recognizes the gentlady.

Mrs. NELSON: Mr. Speaker and Members of the House: No, there is nothing to prohibit it right now, except there is no statement by the state to require a store owner or a restaurateur to make a statement of determination as to whether they have a policy or not, and you don't know that as a patron. So what we are asking these people is to simply determine what your policy is and let the patrons know.

The SPEAKER: The Chair recognizes the gentlady from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, I would like to pose a question through the Chair. I would like to expand on Representative Macomber's question. Is there a penalty for failure to post the policy?

The SPEAKER: The gentlady from Portland, Mrs. Beaulieu, has posed a question through the Chair to the gentlady from Portland, Mrs. Nelson, who may answer if she so desires, and the Chair recognizes that gentlady.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: No, there isn't any, and there isn't any penalty regarding those signs that say there will be no bare feet in the stores either and yet the stores do post that. It is a health measure, that is why they put it up. This is a health measure; we are asking for the same consideration.

The SPEAKER: The Chair recognizes the gentlady from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: It is no secret that I am a smoker, and my legislative history here has been that I have consistently supported anti-smoking bills, my record will show that. I think only once did I ever vote no on any measure that would restrict smoking, but I am getting increasingly concerned. I think that the

more pursuance of this thing with bills like this that really are meaningless to some degree because we pass a law that can't be enforced, that has no teeth in it, we are going to find out or we are going to be put in a position of making the anti-smoking effort almost meaningless if we keep on going with this thing. Now we can't smoke in public buildings, in waiting areas, on buses. I presume that the island ferries were probably involved in that. I think the motion to indefinitely postpone is in order on this piece of legislation.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Canton, Mr. McCollister, that this Bill and all its accompanying papers be indefinitely postponed in concurrence. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlady from So. Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, I request permission to pair my vote with the gentleman from Durham, Mr. Hayden. If Mr. Hayden were present and voting, he would be voting yes; I would be voting no.

ROLL CALL

YEA—Ainsworth, Armstrong, Beaulieu, Bell, Bonney, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carter, Cashman, Chonko, Clark, Conary, Connors, Cote, Crouse, Crowley, Daggett, Davis, Day, Dillenback, Dudley, Erwin, Foster, Greenlaw, Hall, Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Joseph, Kane, Kelleher, Kelly, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, MacEachern, Macomber, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Maybury, McCollister, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nadeau, Parent, Paul, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stover, Strout, Telow, Theriault, Tuttle, Vose, Walker, Webster, Willey, Zirkilton.

NAY—Allen, Anderson, Andrews, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Connolly, Cooper, Cox, Curtis, Dexter, Diamond, Drinkwater, Gauvreau, Gwadsky, Handy, Hickey, Higgins, H.C.; Ketover, LaPlante, MacBride, Martin, A.C.; Masterman, McGowan, McHenry, McPherson, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Perkins, Perry, Pines, Racine, Reeves, P.; Richard, Rolde, Smith, C.B.; Soule, Stevens, Stevenson, Swazey, Tammara, Thompson, Wentworth.

ABSENT—Baker, Carrier, Jackson, Jalbert, Joyce, Livesay, Locke, Mahany, Matthews, Z.E.; Pouliot, Rotondi, Weymouth, the Speaker.

Yes, 82; No, 53; Absent, 13; Paired, 2; Vacant, 1.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-three in the negative, with thirteen being absent, two paired and one vacant, the motion does prevail.

The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this bill was indefinitely postponed and ask you all to vote against me.

The SPEAKER: The gentleman from Farmington, Mr. Webster, moves that the House reconsider its action whereby this body voted to indefinitely postpone this Bill.

The Chair recognizes the gentleman from Portland, Mr. Manning.

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I request a division. I know that this bill is going down the tube but I just wanted to remind you that this is one of the number one killers throughout the whole country. I think it is about time that government started looking at where we are contributing 50 percent of the costs of hospitals and

50 percent to the cost of most health care, that we start looking at it now.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Farmington, Mr. Webster, that the House reconsider its action whereby this body voted to indefinitely postpone this bill in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 80 in the negative, the motion did not prevail.

Petitions, Bills and Resolves

Requiring Reference

The following Bills were received and referred to the following Committees:

Business Legislation

Bill "An Act Amending the Charter of the Telephone Workers Credit Union of Maine" (H. P. 1219) (Presented by Representative Gauvreau of Lewiston) (Cosponsor: Senator Charette of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Require Life Preservers to be Used by Canoeists" (H. P. 1220) (Presented by Representative Parent of Benton) (Cosponsor: Senator Teague of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (By Request)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Clarify the Status of Workfare Recipients under the Workers' Compensation Act" (H. P. 1221) (Presented by Representative Beaulieu of Portland) (Cosponsor: Senator Dutremble of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Debar from State Contracts Employers Guilty of Willful or Repeated Violation of Safety Standards" (H. P. 1222) (Presented by Representative Tuttle of Sanford) (Cosponsors: Representatives Tammaro of Baileyville, Bonney of Falmouth, and Senator Dutremble of York) (Submitted by the Department of Labor pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Orders

On Motion of Representative Mitchell of Vassalboro, the following Joint Order: (H. P. 1224) ORDERED, the Senate concurring, that "AN ACT to Revise the Composition of the Maine Resources Advisory Council" (H. P. 1038) (L. D. 1363) be recalled from the Governor's desk to the House.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Unanimous Ought Not to Pass

Representative Zirnkilton from the Committee on Labor on Bill "An Act to Increase the Minimum Wage" (H. P. 1013) (L. D. 1338) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Hickey from the Committee on Aging, Retirement and Veterans on Bill "An Act to Equalize the Years of Participation and Benefits Under the Maine State Retirement System" (H. P. 1098) (L. D. 1449) reporting "Leave to Withdraw"

Representative Stevenson from the Commit-

tee on Election Laws on Bill "An Act to Promote Better Voter Participation and to Designate the Day of the State General Election a State Holiday" (H. P. 820) (L. D. 1060) reporting "Leave to Withdraw"

Representative Nadeau from the Committee on Election Laws on Bill "An Act to Improve and Strengthen the Referendum Process" (H. P. 1032) (L. D. 1357) reporting "Leave to Withdraw"

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

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

Petitions, Bills and Resolves

Requiring Reference

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

Labor

Bill "An Act to Provide Authority to the Department of Labor to Receive Federal Funds in Order to Expand the Workplace Safety Compliance Consultation Program" (Emergency) (H. P. 1225) (Presented by Representative Norton of Biddeford) (Cosponsors: Representatives Lewis of Auburn, Swazey of Bucksport, and Senator Hayes of Penobscot) (Submitted by the Department of Labor pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Unanimous Ought Not to Pass

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Relating to Banking Disclosure" (H. P. 947) (L. D. 1228) reporting "Ought Not to Pass"

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

The Chair laid before the House the following matter:

Bill "An Act to Revise the Truancy Laws" (H. P. 877) (L. D. 1131) (C. "A" H-213) which was tabled and later today assigned pending the motion of Mr. Connolly of Portland to reconsider whereby the Bill was passed to be engrossed.

On motion of Mr. Diamond of Bangor, retabled pending the motion of Mr. Connolly of Portland to reconsider and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws" (Emergency) (H. P. 1177) (L. D. 1571) which was tabled and later today assigned pending further consideration. (In House, referred to the Committee on Taxation. In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-113) without reference to a Committee)

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

Mr. HIGGINS: Mr. Speaker, we are waiting for an amendment to be put forth from the Department of Transportation to clear up some inconsistencies in the suppliers' law, and I would ask that somebody table this two legislative days.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and specially assigned for Wednesday, May 18.

The Chair laid before the House the following matter:

JOINT ORDER: (H. P. 1204) relative to amending Joint Rule 21-A—which was tabled and later today assigned pending passage.

Mrs. Nelson of Portland requested permis-

sion to withdraw the Joint Order, which was granted.

The Chair laid before the House the following matter:

An Act Relating to Drinking in Public (S. P. 420) (L. D. 1273) (H. "A" H-201 to C. "A" S-86) which was tabled and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: At this point, I think this was pretty well explained in the caucus this morning and it was pretty well explained the other night, as possible as it is to explain a fairly complicated bill, but I will read into the record the statement that refers to the section as to whether or not the bill would cover bottle clubs. There have been some attorneys' opinions that it would be read that way, and I simply want to read the sponsor's intention into the record. The sponsor's intention is that it would not cover bottle clubs. Further, the intention of the Legal Affairs Committee was that it would not cover bottle clubs.

Mr. Speaker, I would request a roll call on enactment.

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

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, this House spent a lot of time and a lot of effort trying to put together a sensible drinking bill. We accomplished that. We have the bill in place now and it is working very well.

I have read this bill over and I see nowhere where it is going to improve what we have now. As a matter of fact, it will sap away at the effectiveness of what we have on the books now. I firmly feel that if something isn't broken, you shouldn't bother to fix it, and that is about the condition this law is in right now.

I move the indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that this bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: The Legal Affairs Committee spent some time on this bill and I think it is an important bill. You all heard the last time, two years ago, whenever it was that we had this bill, about the problem in Old Orchard Beach and all the other areas where people were drinking in public. The officer had to warn them and warn them again, and then there was no action after they had, really. This bill does provide for some action. The people still are warned once, particularly people who might be on the beach from Canada and not aware that there is a law, but this will firm up the law and if we have a habitual offender, we can do something because the law has put some teeth into it. So I recommend that you not do away with this and that you accept this bill as written with the amendments.

Mr. MacEachern of Lincoln request a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from

Presque Isle, Mr. Lisnik.

MR. LISNIK: Mr. Speaker, I request permission to pair my vote with the gentleman from Durham, Mr. Hayden. If Mr. Hayden were here, he would be voting yes; if I were voting, I would be voting no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Conners, Cooper, Crowley, Daggett, Diamond, Erwin, Gauvreau, Hickey, Higgins, H.C.; Jacques, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, MacEachern, Macomber, McCollister, McGowan, McHenry, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J., Moholland, Murphy, E.M.; Murray, Nadeau, Norton, Roberts, Rolde, Stevens, Tammara, Theriault, Vose.

NAY—Anderson, Bell, Bonney, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Conary, Cote, Cox, Crouse, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Hall, Handy, Higgins, L.M.; Hobbins, Holloway, Ingraham, Kiesman, Lewis, MacBride, Manning, Martin, A.C.; Martin, H.C.; Masterman, Master-ton, Matthews, K.L.; Maybury, McPherson, McSweeney, Murphy, T.W.; Nelson, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Racine, Reeves, J.W.; Richard, Ridley, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevenson, Stover, Strout, Swazey, Telow, Thompson, Tuttle, Walker, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Baker, Bott, Carrier, Connolly, Jackson, Jalbert, Joyce, Livesay, Locke, Mahany, Matthews, Z.E.; Pouliot, Randall, Reeves, P.; Rotondi, Weymouth, The Speaker.

PAIRED—Hayden-Lisnik.

Yes, 54; No, 77; Absent, 17; Paired, 2; Vacant, 1.

The SPEAKER: Fifty-four having voted in the affirmative and seventy-seven in the negative, with seventeen being absent and one vacant, the motion does not prevail.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

MR. HOBBS: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this bill failed to be indefinitely postponed.

It appears to be a mass confusion about what this particular bill does. I would like to pose a question to the gentleman from Brewer, Mr. Cox. Does this bill, as written, in its present form, take away the warning provisions that presently exists in the law?

The SPEAKER: The gentleman from Saco, Mr. Hobbins, has posed a question through the Chair to the gentleman from Brewer, Mr. Cox, who may answer if he so desires, and the Chair recognizes that gentleman.

MR. COX: Mr. Speaker, the bill, as I understand its posture, the committee amendment is part of the bill and the committee amendment leaves the warning in.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

MR. HOBBS: Mr. Speaker, Men and Women of the House: As many of you know who served in this body during the last legislative session, there were four bills dealing with public drinking. Many of these bills addressed the problem that existed in many of our communities where we have summer tourists, in particular Old Orchard Beach. If you remember from two years ago, there were four bills before us, two went to the Committee on Judiciary and two went to the Committee on Legal Affairs. After a long and drawn out battle, it was agreed upon that the members of the Judiciary Committee and some members of the Legal Affairs Committee would work with the Maine Police Chiefs Association and many other individuals who had concerns. It was out of a suggestion which I made and which several people passed

on to other members of the Legal Affairs and Judiciary Committee that possibly a mechanism whereby we put a warning in the law might be the possible solution to the then pending problem. That was the consensus, a warning provision was placed in the law and everyone was happy.

I urge all of you to look very carefully at amending the present law. It has worked well. If you would go back to your local communities and talk to your local law enforcement officials or go to your chambers of commerce if you are, in fact, involved in the coastal communities and summer tourism, and you will find that last summer the bill acted very well. In fact, the bill acted very well the summer before. It is my hope that we will not tinker with the present law because it is working very well.

I realize that this particular bill is a perennial bill, it will always come up, but it is my hope that we will put aside the issue of the fact that this had a unanimous report from the Legal Affairs Committee. I respect that committee very well. It is a tough issue to deal with, our committee has dealt with it many times. I have the greatest respect for the gentleman from Brewer, Mr. Cox, but I honestly feel that there is not a need to change the present law and I urge all of you to think about whether or not you have received any complaints about the present law. There is a safety valve mechanism in the present law, as you know, with the warning provision, that has worked well. I don't see a pressing need to amend the bill at this time.

I urge you all to look very closely at this legislation and to reconsider our action whereby this bill has been placed in a posture of possible enactment.

MR. MacEachern of Lincoln requested a roll call vote on the reconsideration motion.

On motion of Mr. MacEachern of Lincoln, tabled pending the motion of Mr. Hobbins of Saco to reconsider whereby the motion to indefinitely postpone failed and tomorrow assigned.

The Chair laid before the House the following matter:

An Act Pertaining to License Revocation Notices Issued by the Commissioner of Inland Fisheries and Wildlife (S. P. 357) (L. D. 1078) (C. "A" S-99) which was tabled and later today assigned pending the motion of Mrs. Mitchell of Vassalboro to reconsider whereby the Bill was passed to be enacted.

Mrs. Mitchell of Vassalboro requested permission to withdraw her motion to reconsider, which was granted.

Sent to the Senate

(Off Record Remarks)

On motion of Mr. Jacques of Waterville,
Adjourned until nine o'clock tomorrow morning.