

MAINE STATE LEGISLATURE

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

VOLUME I
FIRST REGULAR SESSION
December 3, 1986 to May 22, 1987

Representatives from District 88 effective Saturday, May 16, 1987.

Whereas Mr. Sproul's resignation obviates any further action by this Committee, we, the members of the House Committee on Elections, do hereby conclude our proceedings on this matter. David Gregory, Esq., Special Counsel to the Committee, has been notified of our action.

Sincerely,
S/Patrick E. Paradis, Chairman
House Committee on Elections

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

The following Bills were 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:

Agriculture

Bill "An Act to Correct an Incorrect Personnel Description in the Law Relating to the Board of Pesticides Control" (Emergency) (H.P. 1200) (L.D. 1635) (Presented by Representative WHITCOMB of Waldo) (Cosponsors: Representatives PARENT of Benton, BRAGG of Sidney and NUTTING of Leeds) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend Maine's Abandoned Property Laws" (H.P. 1198) (L.D. 1633) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Senator BRANNIGAN of Cumberland and Representative GURNEY of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Amend the Duties of the Commissioner of Labor" (H.P. 1199) (L.D. 1634) (Presented by Representative WILLEY of Hampden) (Cosponsors: Senator DUTREMBLE of York and Representative BEGLEY of Waldoboro) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative VOSE of Eastport, the following Joint Order: (H.P. 1207)

Ordered, the Senate concurring, that House Paper 412, Legislative Document 546, Bill "AN ACT to Amend the Charter of the Lubec Port Authority" be recalled from the legislative files to the House of Representatives.

Was read.

The SPEAKER: Pursuant to the Joint Rules, this requires the affirmative vote of two-thirds of the entire membership of the House. Those in favor of H.P. 1207 being recalled from the Legislative Files will vote yes; those opposed will vote no.

A vote of the House was taken.

116 having voted in the affirmative and 2 in the negative, the Order was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative WEYMOUTH from the Committee on Utilities on Bill "An Act Relating to Terms of Office for Trustees of the Kennebec Water District" (H.P. 637) (L.D. 860) reporting "Ought to Pass" in New Draft (H.P. 1201) (L.D. 1638)

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 McSWEENEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Clarify the Definition and Application of Active State Service in the Defense Laws" (H.P. 1117) (L.D. 1520) reporting "Ought to Pass" in New Draft (H.P. 1202) (L.D. 1640)

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 WARREN from the Committee on Judiciary on Bill "An Act to Simplify the Method of Enforcing Health Benefit Liens" (H.P. 241) (L.D. 309) reporting "Ought to Pass" in New Draft (H.P. 1203) (L.D. 1641)

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 TUPPER from the Committee on Legal Affairs on Bill "An Act Concerning 'Beano' or 'Bingo' on Indian Reservations" (H.P. 80) (L.D. 83) reporting "Ought to Pass" in New Draft (H.P. 1204) (L.D. 1642) (Representative PRIEST of Brunswick - of the House - Abstained)

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 PRIEST from the Committee on Legal Affairs on Bill "An Act to Give Local Election Wardens Authority to Select Locations where Signatures may be Collected" (H.P. 851) (L.D. 1145) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Give Local Election Wardens Authority Concerning Gathering Petition Signatures" (H.P. 1205) (L.D. 1643)

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 Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Extend Maine's Bottle Bill" (H.P. 662) (L.D. 895)

Signed:

Senators:

BALDACCI of Penobscot
WHITMORE of Androscoggin
BRANNIGAN of Cumberland
LEBOWITZ of Bangor
ALIBERTI of Lewiston
GURNEY of Portland
TELOW of Lewiston
SHELTRA of Biddeford

Representatives:

STEVENS of Sabattus

Minority Report of the same Committee reporting
"Ought to Pass" on same Bill.

Signed:

Representatives: ALLEN of Washington
 REED of Falmouth
 HILLOCK of Gorham
 RACINE of Biddeford

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I move the House accept the Minority "Ought to Pass" Report.

I would urge you this morning to support the "Ought to Pass" Report. The bill is a very simple bill and, indeed, only makes a minor change in the law. Currently, as you know, we require a deposit on beer and soda bottles and this bill would simply include wine coolers in the law.

It was the feeling of those of us who signed the "Ought to Pass" Report that this was a small step and a small step in the right direction.

During the hearing on the bill, the bill had significant support from the Department of Agriculture and also the Department of Transportation, both charged in some degree with enforcing the law, also received support from a group called the Solid Waste Coalition. This group included such people as the Maine Audubon Society, The Maine People's Alliance, The Natural Resources Council of Maine, MOFKA, the League of Women Voters, and Lebanon Citizens Landfill Alliance and others.

Those of us on the committee who signed the bill out thought that this was a reasonable request and it is consistent with the general intent of the original law. Back when there were discussions going on in the legislature, prior to my serving here, I might add, wine coolers were not a marketable product here in the State of Maine. They are, in fact, a growing commodity and their presence as roadside litter and litter on beaches is increasing.

The opponents of the legislation would argue that, indeed, adding these wine coolers to the current law would impose a hardship on grocers and the arguments we, in fact, heard from the grocers were the same exact arguments we heard when people were opposed to the original bottle law. We also heard from those people representing the wine cooler industry -- that this was really just a small percentage of the solid waste problem in Maine and, therefore, we shouldn't address it. We rejected those arguments because, while it is a small problem, it is, indeed, a problem. And while it is a small step, we believe it is a small step in the right direction. We believe that while this law won't perhaps perform major miracles, it does perform a small good and, therefore, should be supported by the members of this House.

I would urge you to support the "Ought to Pass" Report.

Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Lebowitz.

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I don't usually oppose my committee chair but, in this case, I feel compelled to do so. I urge your opposition to the motion before you.

The bill asks for wine coolers to be included under the present bottle bill. We all recognize the benefits of the bottle bill as it now stands and we appreciate the better health of our highways. In traveling I-95 back and forth, and in my travels

throughout my district, I have been watchful of our highways and have enjoyed the beauty and the cleanliness of our highways since our original bottle bill has been enforced. However, the areas around our local streets and highways, particularly the Bangor Mall, have not been as beautiful. A close watch has not disclosed litter of bottles but rather the debris of fast food, styrofoam cups, plates, napkins and other paper products. It would appear unnecessary to add wine coolers as an extension of the bottle bill at this time.

I urge you to vote no on this motion before you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Let me tell you how simple this bill really is. The small businessman now will have to separate on those shelves, on returnees, every single brand under the designation of a wine cooler. The small business person will be directly affected by cost, processing, making these available on the same scale as the now existing fine bottle law.

What about fruit drinks, why shouldn't they be included? And other containers that come under the same category? Don't you think it is about time that we stop attacking one specific industry over and over again -- over-taxation, making it difficult for them to really operate and operate efficiently?

In the past, we have heard some reference to increasing the fee on the bottle bill, other concerns with the bottle bill and always at the same industry. I believe that it is about time that this discrimination took a leave of absence and that we address the need to keep these small businesses functioning without adding additional hazards to them.

I would like to ask my chairman -- how many coolers have been involved in the complaints at this time? Ask yourself, how many coolers have you seen along the roadside that creates this great problem of littering? It just is not there.

Finally, I would like to address a concern -- is there a direct or indirect fiscal note to this posture taken by the opposition?

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, I would like to pose a question to the gentleman from Lewiston, Mr. Aliberti.

Can you explain exactly what industry it is that we have been attacking over and over again? Is it the bottle industry, is it the booze industry, the grocery industry or is it small business, generally?

The SPEAKER: Representative Mitchell of Freeport has posed a question through the Chair to Representative Aliberti of Lewiston who may respond if he so desires.

The Chair recognizes that Representative.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I would like to respond to that question, you have said it all.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The industries that I mentioned often are the industries that create our trash problem.

I would like to address the solid waste issue. Solid waste is a serious problem for this state and it is a serious problem in some parts of the state to a greater degree than in other parts of the state. You may remember that we had a Special Session of the legislature last Fall to deal with the problem that was created when, four out-of-state landfill developers came to York County and applied to the DEP

for permits to build commercial landfills in one month. In the town near Freeport, the town of Durham, in the month of October last year, there was an illegal dumping operation that was going on and trash from Massachusetts was being hauled into Durham and disposed of in a couple of places illegally for some time.

Federal law says that states cannot exclude trash that is generated in other states. They say that for constitutional reasons. But the courts have also said that states can hold states that send trash into their state to the same standard that they set for themselves. So, in the case of Maine, which has a bottle bill, Maine cannot exclude the trash from other states that have a bottle bill but we can exclude trash from states that do not have a bottle bill. Wine coolers are a growing trash problem in and of themselves.

Strengthening the bottle law and making it more comprehensive is going to strengthen the position of the State of Maine, I believe, in dealing with this serious problem of out-of-state waste.

I would urge that you support Representative Allen's motion.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: As a new member of the Energy and Natural Resources Committee, this winter I spent many hours working and listening to the subcommittee on solid waste. I believe that we, as a nation, have been a throwaway nation long enough and it is time we mend our ways. This would be one step in the right direction. You have heard on the radio, you have seen on television, you have heard about the garbage barge that had been going up and down our coast and Mexico, it is time we started to do something about it. The only way we are going to eliminate this situation we have got ourselves into is to go to recycling. We must start recycling. I believe that this bill will be a step in the right direction and get us on track where we should be.

I will agree that the styrofoam and all this other stuff that we are seeing along the roadside is a mess. Sooner or later, somebody is going to wake up, we are all going to wake up, we are going to start recycling that too. But, until we do that, we have got to start doing something to eliminate some of this waste that we are manufacturing and filling up our landfill. We are running out of space -- all over the nation, we are running out of space. I, for one, don't want to see Maine be a trash center for the whole northeast.

I urge you to vote in favor of the motion.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be quite brief. The nuts and bolts of this whole situation is that we have gone from 80 recycling plants in the State of Maine, down to 60. It has just overcome them as an industry. They just pay minimum wage and they are just barely existing at this point in time.

I agree with the Representative from Lewiston in one sense in that yes, we should pick up all of the debris, but it just can't be done at this point in time because we don't have the facilities to do just that. This particular problem here is so miniscule that it really doesn't resolve anything, as Representative Lebowitz pointed out.

I hope you will go along with the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Stanley.

Representative STANLEY: Mr. Speaker, Ladies and Gentlemen of the House: Our bottle bill has made Maine a beautiful place in which to travel and live. It has been an important tourism and economic development factor. The Maine Legislature has shown itself in the past to be very environmentally sensitive -- let's keep up the good work and improve our bottle bill. Please vote yes on the "Ought to Pass" motion.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: I would just like to point out that these wine cooler bottles are not recyclable. Presently there is no market for green glass of which all wine cooler bottles are made of. If we do let this bill by, we, in effect, will be making huge piles that will only be thrown away.

I urge you to support the "Ought Not to Pass" and vote against this motion.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I partially agree with my good friend, Representative Lord. I think he has a point that needs to be addressed, but not at this time. If the problem just does not exist at this time, we are legislating for something that may happen in the future. Also, I think Representative Lord, in his presentation, ought to consider -- why not the soft drink bottles that we see all over the place, at least 20, 30, 40, 50 to one as compared to the wine coolers?

I think there is an element of fairness here too, that we ought to address.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Scarpino.

Representative SCARPINO: Mr. Speaker, Men and Women of the House: While this isn't specifically my area of legislative expertise, I live in an area that depends on the environment for its very existence, economically. I have been listening to any number of arguments here in opposition to this bill and I have difficulty with all of them. Quite simply, we are not legislating for something that might happen in the future. This bill would legislate to prevent something from happening in the future. I think our past history tells us well enough that, if we don't stop discarding of solid waste, it becomes a problem.

I have heard the Catch-22 argument that there isn't enough facilities to handle it. Well, if we don't create the product that creates the economic incentive for the facilities to come into existence, we will never have the facilities to handle it. Quite simply, that is an economic argument. In order to create the facilities, you have to create the economic incentive for the facilities to be created. This bill will help with that.

The bottom line, for me however, is that while I don't fish anymore, I still like to go out and take a cruise with one of the fellows every now and then and I am sick and tired of seeing bottles floating around in the harbor and I am sick and tired of seeing fish come up with plastic wrapped around them and I am sick and tired of seeing the refuse along side of the roads.

Now this bill is just a small step. In response to the gentleman from Lewiston, Mr. Aliberti, if this bill covered every kind of container that was generated in this state, I would support it because

they are just as much a part of the problem as the wine coolers are. However, the bill only addresses the wine coolers, let us deal with it, one small step at a time. The simple fact is the journey of a thousand miles starts with one step and this is about the fifth step and we have got about 999 miles left to go.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Those of us who have been involved in the solid waste study for the past year realize how important recycling is going to be in our future. Not only in our far future but actually it should be here today. We have got to start recycling and I realize that wine coolers are just a small part of it but it is a beginning and, as Representative Allen said, it is a beginning in the right way.

I urge you to support the Minority "Ought to Pass" Report today.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you to pass the Minority "Ought to Pass" Report for reasons that perhaps haven't been discussed here today.

Originally Maine's bottle bill, the original bill, came out to include carbonated drink in liquid form intended for human consumption. At that time, in the early 1970's, the wine coolers were not on the market, they fit into this category and they are very prevalent on the market today.

I think adequate argument has been made for the landfill problem in the State of Maine and promoting the recycling business.

I am concerned about the cost of what Representative Sheltra mentioned of the 80 recycling plants that have been reduced by 20 percent. I think he was talking about redemption centers and he can correct me if I am incorrect. This bill will add some costs, it will add some income. As far as being revenue neutral to these redemption centers, we really don't know yet.

Our committee has spent the whole 112th Legislature discussing the problems of these small businessmen. I was on the side, at that time, of not increasing the handling fee. For those of you who do not know, a handling fee is what is received by these redemption centers for processing and separating these bottles returned for recycling.

I have an amendment that will be before you if this Minority Report passes that will deal with this issue. So, I feel that the argument of increasing costs to the small businessman is mute at this point if this amendment is accepted. In order to do that, we will have to pass this through the second reader, so I urge you to support the Minority Report, "Ought to Pass."

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Men and Women of the House: As the prime sponsor of this bill, I would like, of course, to urge you all to support the Minority "Ought to Pass" motion. I was motivated to sponsor this bill by real dedication to the opposition that we should do everything we can to encourage the recycling of all solid waste or any kind of waste that we can in this state. I would like to pick up on the argument -- one small step at a time. I think this is an ongoing problem and that we have to address a need as it arises. Wine coolers are on the increase so far as consumption is concerned. I would say that the consumption of wine

coolers has increased by leaps and bounds, so therefore, have the bottles.

I had a letter to the effect from the Department of Transportation that they looked favorably upon dealing with this problem. For one thing, I think it reduces their costs, and for another thing, it would take care of the litter along the highways. I do believe that if the Department of Transportation says there is a problem there, that there is increased litter, and that it would also increase the safety of the roads. You can imagine yourselves (I don't have to spell it out for you) all the things that can happen with discarded glass.

I urge you very strongly to support this bill and to consider the fact that it is a small step and, therefore, probably a step that the retailers and grocers can deal with, can absorb in their business. Besides, when these bottles come in, they do get increased revenues to handle that problem. The Committee on Business Legislation has recently done a study which indicates they concluded that the handling fee was sufficient at this time. I certainly am open to the proposition of increasing that fee somewhat.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Just about everything has been covered on this particular bill and I don't want to prolong the debate. However, I want to ensure members of the House that even though Representative Sheltra and I are on the opposite side, we're still friends because normally we're on the same side. But this time we happen to have a difference of opinion, and secondly I wanted to be on the winning side today, that's why I went along with my chairman, Representative Allen, because I've gotten up here and lost quite a few.

Basically, the reason that I supported this is to get rid of the trash. I realize it's a small percentage but, if we can get rid of that, we will be way ahead of the game.

If you go into a grocery store and look at what's on the shelf, those wine coolers look just like your soda pop bottles -- identical. If they are identical, they should be included, it's as simple as that.

I hope that you will support my good chairman and vote the way she votes, just follow her light.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I believe that our bottle bill put more discipline in our traveling public than any other single thing that we have done. I concur with the motion that we have before us and I support it.

The discipline that has been brought to me and the discipline that has been evident on our highways by people traveling here from out of state and they have commented on how neat and clean our highways were. The other aspect that I don't think has been more than touched on this morning is that we are subsidizing the wine coolers through the gasoline tax, because by discarding their litter along side of the road, it takes the gasoline tax to pick it up. I think they can pay their own way in the redemption centers.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: As a small businessman, I recognize the problems that small businesses encounter in complying with the bottle law. It's a nuisance and it's costly. However, I recognize that

the resulting benefits far outweigh the costs and those benefits are obvious to all of us as we travel throughout the state. Cooler bottles are a part of the problem and I am one small businessman who favors the motion of the good lady from Washington.

I hope that you will support the motion to accept the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: I, too, would like to speak in favor of the Minority "Ought to Pass" motion. Like many other members of this body, I spend a great deal of time in the outdoors, wading the streams and rivers of this great state and hiking the trails that lead to those streams and rivers. One of the previous speakers mentioned before that this is just to correct a perceived problem or that there isn't a problem out there and I can submit to you, that lately on the way to the stream, I have been seeing wine coolers strewn across the trail in places where there aren't any other bottles and cans.

I ask you, what is the difference between a wine cooler bottle and a Budweiser bottle? The difference is, if it gets strewn across our countryside, no one is going to pick it up in order to make a nickel. So I would strongly urge you to support this. I fail to see the difference between a wine cooler and a beer bottle or a soda bottle. I think this is a very important step in preserving one of the greatest assets that we have in this state -- the quality of our environment and that quality that leads people to come here. All you have to do is go to another state where there isn't a bottle bill, hike around in the woods, and it won't take you too long to realize that it's like walking in a Maine trash dump.

I strongly urge you to support the Minority "Ought to Pass" motion.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: It is with some trepidation that I rise to oppose three distinguished members of the other body and six of my colleagues on the Business Legislation Committee. However, I feel compelled to do so.

This bill has been characterized as an attack. I would submit that it is not an attack. It is a rational step toward a desirable goal that we all want, every member of this House I believe, a slightly cleaner, slightly safer, slightly more beautiful State of Maine. It has been argued that this is a small step and I would agree with that. It is, in fact, a small step but does that mean that it should not be taken? There has been an argument presented that the material dealt with in this bill is not yet a significant problem and I would agree with that, but does that mean that we should not address that problem? I think not. It has been said in the body that there is a great deal of other trash, and that is true, it does exist. We must deal with that other trash, but we will do that in other ways, on other days.

I urge you to support the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Men and Women of the House: Much has been said this morning about the fact that a problem does not exist now with regard to wine coolers being thrown by the roadside. Let me assure this body from a farmer's first-hand fence building knowledge (this spring in fact) that wine coolers are indeed becoming a problem along our roadsides. I know.

I urge support of this "Ought to Pass" motion this morning from a first-hand, both hands, experience of this problem.

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 Representative Allen of Washington that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 61

YEA - Allen, Anderson, Anthony, Armstrong, Bailey, Begley, Bickford, Bost, Bott, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Clark, M.; Coles, Crowley, Curran, Davis, Diamond, Dore, Farnum, Farren, Foss, Foster, Gould, R. A.; Gwadosky, Hale, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoggund, Holloway, Holt, Hussey, Jackson, Jacques, Ketover, Kilkelly, Kimball, Lacroix, LaPointe, Lord, MacBride, Mahany, Manning, Marsano, Mayo, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paul, Pines, Priest, Rand, Reed, Reeves, Rice, Richard, Rolde, Ruhlman, Rydell, Scarpino, Seavey, Simpson, Small, Smith, Soucy, Stanley, Stevens, P.; Stevenson, Strout, B.; Swazey, Taylor, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Weymouth, Zirkilton, The Speaker.

NAY - Aliberti, Boutilier, Chonko, Clark, H.; Cote, Dellert, Dexter, Dutremble, L.; Erwin, P.; Garland, Greenlaw, Gurney, Ingraham, Jalbert, Joseph, Lawrence, Lebowitz, Lisnik, Look, Macomber, Martin, H.; Matthews, K.; McGowan, Nadeau, G. G.; Nadeau, G. R.; Paradis, P.; Parent, Rotondi, Salisbury, Sheltra, Sherburne, Stevens, A.; Strout, D.; Telow, Wentworth, Whitcomb, Willey.

ABSENT - Baker, Conley, Duffy, Perry, Pouliot, Racine, Ridley, Tamaro, Tardy.

Yes, 103; No, 37; Absent, 9; Vacant, 2; Paired, 0; Excused, 0.

103 having voted in the affirmative and 37 in the negative with 9 being absent and 2 vacant, the Minority "Ought to Pass" Report was accepted, the bill read once and assigned for second reading later in today's session.

By unanimous consent, all matters (requiring Senate concurrence) having been acted upon were ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-151) on Bill "An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings" (H.P. 270) (L.D. 353)

Signed:

Senators:

GAUVEAU of Androscoggin
KERRY of York

Representatives:

GILL of Cumberland
MANNING of Portland
ROLDE of York
SIMPSON of Casco
BOUILIER of Lewiston