

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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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 state 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 gentledady 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 gentledady from Portland, Mrs. Nelson, who may answer if she so desires, and the Chair recognizes the gentledady.

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

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 gentledady 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 gentledady 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, Cronko, Clark, Conary, Conners, 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, Salsbury, 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, Gwadnosky, 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, Tammaro, 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 Zirkkilton 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 an 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