

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

Index

FIRST CONFIRMATION SESSION

October 2, 1991

Index

SECOND SPECIAL SESSION

December 18, 1991 to January 7, 1992

Index

SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
16th Legislative Day
Tuesday, February 25, 1992

SAVAGE of Union
GRAY of Sedgwick
WATERMAN of Buxton
KILKELLY of Wiscasset

The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Pastor William Meyer, Winthrop Center Friends Church.
Pledge of Allegiance.
The Journal of Thursday, February 20, 1992, was read and accepted.

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

Signed:
Senator: BUSTIN of Kennebec
Representatives: HEESCHEN of Wilton
JOSEPH of Waterville
LARRIVEE of Gorham

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

February 20, 1992

The Honorable John L. Martin
Speaker of the House
115th Legislature
Augusta, Maine 04333

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "B" (S-527) as amended by Senate Amendment "A" (S-535) thereto and Senate Amendment "B" (S-555).

Reports were read.

On motion of Representative Joseph of Waterville, tabled pending acceptance of either report and specially assigned for Thursday, February 27, 1992.

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Housing and Economic Development, Ford S. Reiche of Cumberland Center for appointment to the Maine State Housing Authority.

Ford S. Reiche is replacing Peter Merrill.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Majority Report of the Committee on Legal Affairs reporting **"Ought Not to Pass"** on Bill "An Act to Protect Children from Illegal Tobacco Sales" (S.P. 506) (L.D. 1344)

Signed:
Senators: KANY of Kennebec
MILLS of Oxford
SUMMERS of Cumberland
Representatives: BOWERS of Sherman
STEVENS of Sabattus
TUPPER of Orrington
POULIN of Oakland
JALBERT of Lisbon
DAGGETT of Augusta
HICHENS of Eliot
PLOURDE of Biddeford

Divided Report

Tabled and Assigned

Majority Report of the Committee on State and Local Government reporting **"Ought to Pass"** as amended by Committee Amendment "B" (S-527) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66)

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-554) on same Bill.

Signed:
Senators: BERUBE of Androscoggin
EMERSON of Penobscot
Representatives: NASH of Camden
LOOK of Jonesboro
KERR of Old Orchard Beach

Signed:
Representatives: LAWRENCE of Kittery
RICHARDSON of Portland

Came from the Senate with the Majority **"Ought Not to Pass"** Report read and accepted.

Reports were read.

Representative Lawrence of Kittery moved that the House accept the Minority "Ought to Pass" Report.
The SPEAKER: The Chair recognizes the

Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I request the yeas and nays.

This bill which I did not sponsor but which came to the committee I serve on is addressing and attempting to address the issue of children and smoking. I will not go into an extended discussion of it but I want to point out what the bill does and does not do. I want to give the basic logic for why this is an appropriate piece of legislation to pass.

We know that smoking occurs in adults amongst those who learned it when they were young. When you are past the age of 21, the likelihood of beginning to smoke is simply not there. If you start to smoke when you are a young child, the likelihood of continuing to smoke and being a smoker is there and that difference is why it is important to look at the issue of health and smoking in young people and that is what this bill addresses.

The bill does basically three things. Maine is one of three states in the union, the other two being tobacco-producing states that does not have any mechanism of developing a sanction against those stores that sell cigarettes to young people. The two tobacco states and Maine have no license, no tax certificates, no mechanism of when it is learned that a store is selling cigarettes to young people so it can be pulled and therefore the sale of those cigarettes to anybody can be stopped. There is no sanction in Maine, short of a major intervention in the criminal law. So, the first thing this bill does is pass the bare bones simplest of a licensing mechanism regarding stores that allows the bureau to remove licenses upon the finding of the sale of cigarettes to young people. The cost and the difficulty of that amounts to five minutes and \$5 for almost all of the merchandisers of cigarettes in the State of Maine. For large stores, we are talking about \$25 but for most of the places in which cigarettes are sold in the State of Maine, we are talking about \$5 and five minutes and one form once a year, to get a license that will be posted and that if there is a sale made to young people can, at the discretion of an administrative court, be removed. That's all, and it gives a powerful tool and a powerful reason for shopkeepers or a store owner to point to a license and say, if I sell to young people, I lose the opportunity to sell cigarettes to everyone. That is what this bill does.

Another piece of the bill is that it eliminates the comingling of cigarettes with other commodities in vending machines. I think I just have to say that when to pose for you the reality that vending machines with cigarettes are now supposed to be under the control of a shopkeeper or a purveyor of cigarettes but the point of vending machines is that they can operate by themselves. I am sure that all of us know of sites or locations where vending machines are easily accessible to young people. This would provide a greater instrument of dealing with it because it eliminates the comingling of those commodities.

Secondly, those vending machines would have a \$5 license on them as well, easily pulled and the vending machine is shut down if a young person can walk in an pull a lever and get cigarettes from it.

There is a third piece which I want to share with you about this legislation, we did not take the route of going like New Hampshire and Iowa to the making of

it being illegal for young people to possess cigarettes. Present law now provides that you can't sell to young people and provides for sanctions against furnishing to young people but most states in the union have not yet looked at that criminalization as it might appear in terms of possession. We didn't choose to go that route. What we chose to do is what the State of Vermont passed, which is a provision in the bill that says, if a young person misrepresents his or her age, therefore buys cigarettes because they misrepresented their age, they could be subject to a warning, subject to ten hours of community service, which will clearly be in an environment such as the Lung Association, which would provide educational programs about the health affects of smoking for young people, and also the possibility of repeated offenses of up to a \$50 fine.

There is not a lot of enforcement in this bill. There is enough money through those license fees to have, in addition to the administration of the licenses, two additional enforcement officers and that is not a lot. There is no question in my conversation with police officers that it is not going to be a major priority but where there is a flagrant violation in the sale of cigarettes to young people, we can have a major impact by passing this bill.

Let me now point to the two major studies that were presented to us. A pair of towns in Illinois enacted an ordinance that basically put this into effect. They cut the places that sold cigarettes to young people from 75 percent to 5 percent. A follow-up study indicated that there was a cut in half of young people smoking under the age of 16. Of course the habit is going to be much more easily and completely put into the health world of a person throughout their life.

I didn't speak when this issue came up earlier on the issue of smoking in restaurants. Both of my parents died of smoking-related illnesses. I was allergic to smoke and was ill virtually every time we got in the family car and we could never figure out why. I have been told that I have the lungs of a smoker because my parents were both heavy smokers and I have the health problems of it even though I have never smoked. It is kind of an emotional issue for me and every time I go into a restaurant and it is a small restaurant (and I am empathetic to small restaurants) and I sit next to a smoker, my meal is limited. I still didn't speak on the issue because it was my own personal preference that was involved.

Here we have a clear opportunity to deal with genuine health concerns that are going to affect future generations. We can do it with the most simplest of mechanisms that have a result in other environments.

We have taken this bill out of the punitive environment that appears with the Iowa/New Hampshire circumstances. We have brought it to the most simple kind of administrative level that will enable those people who basically engage in the real work of behavioral modification and education on smoking and health issues — do their work through the administrative court. It is the simplest ways of proceeding and I urge you to join the Minority "Ought to Pass" and basically to strike a blow for the health of future generations in the State of Maine.

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

Representative GRAHAM: Mr. Speaker, Men and

Women of the House: I would like to address the opposite side of the issue from the good Representative to my right. A little bit of history is in order I think.

In the 114th Legislature, the Business Legislation Committee considered this bill, considered it to be too restrictive on business owners and too much of a burden. Part of what we did at that time was put out a requirement, those signs you now see in businesses, that remind people that it is illegal to sell tobacco products to minors be posted. Unfortunately, we have not seen a commensurate increase on the enforcement end of the laws that already exist. There are already sanctions against businesses for selling to minors but they are not enforced. They are not enforced because it is a crime of such a low standing that the law enforcement officers don't wish to become involved, they have more important things to do.

Secondly, it is not enforced because people still wink at kids smoking. People say, "I did that when I was a kid, it is just something kids do and a phase kids go through" and on and on and on. I don't agree with that, I have never been a smoker. I have never liked the stuff. But, I have been a business owner and if you require me to have another license, I can afford \$5 and I can afford five minutes a year even though it is an aggravation to me and my family, but when I have to have a licensed person selling tobacco at my cash register and someone quits, I am in a bad position until I can get through the process and the number of days of processing it takes state government to get my future employee relicensed.

The next thing I would like to address is something that makes me equally emotional with Representative Richardson. That is the aspect of this bill that puts the entire burden on storeowners, as if storeowners were the ones creating the problem. You know, right now, a kid can stand on a street corner, smoking on a cigarette, cops can drive by and they can't touch them because it is not illegal for that child to possess tobacco.

You will remember we had a floor fight on reference of this bill whether it went to Business Legislation or Legal Affairs at the beginning of this session. I remember one of the arguments was, this is a tobacco issue, it is just like alcohol, Legal Affairs should have this bill. If tobacco is like alcohol, then possession should be illegal just as it is for alcohol. I don't see the committee doing that. I see the committee saying, we are going to put the entire onus on business owners.

The vending machine example supports my contention that present law, which exists, is not enforced. We all know of vending machines that are wide open and not under the control of adults. That might be a valid point within the bill if they had come out and said, no more tobacco sales from vending machines. That could have been one of the best things we could have done to prevent kids from smoking.

I urge all of you to reject the "Ought to Pass" Report, as well-intentioned but ill-conceived, so we can go on to accept the Majority "Ought Not to Pass" Report on this bill.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: This piece of legislation does have its merit as far as trying to stop children from

smoking but I don't believe putting another \$5 license on a business when they have 15 licenses now would be the solution to it.

In Business Legislation two years ago, we did pass legislation that the vending machines should be supervised at all times and if not, the fine was \$100 to \$500. You can go into a lot of restaurants, clubs, industrial plants, even some of the universities and find these vending machines under the stairs where nobody will watch them. There is one right here in Augusta that is visible from the street where children going by can stop, it is not even controlled at all. I don't know of anyone that has been fined on this piece of legislation since we put it into existence two years ago. So, I don't think that we need this piece of legislation and I hope you vote against it.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there is a single person in this chamber here that doesn't want to keep tobacco from children but that is not what this bill will do. All this bill will do is try to raise more money by tacking a license on each and every storeowner, Mom and Pop stores, in an attempt to stop it.

I will tell you exactly what this bill finally does, read the second paragraph of the Statement of Fact -- "This bill places enforcement authority in the Bureau of Liquor Enforcement which will become the Bureau of Liquor and Tobacco Enforcement." This means that you are building up another bureaucracy. What we have been trying to do for the last year and a half is downsize the government, not build up anymore bureaucracy. Under this set up, this would become a big bureaucratic mess. The Bureau of Liquor and Tobacco Enforcement would then have to hire some new agents, like liquor inspectors we have now. Do they intend to put a tobacco enforcement agent in every Mom and Pop store to make sure they don't sell tobacco products to children? The next thing they do will have to go into the home and prevent the parents from smoking so that the children don't get the tobacco. You go into the schools, the children are not allowed to smoke on the grounds around the school but there are many schools that have a smoking room for the staff, are we going in there?

Fortunately, they made a mistake in New Hampshire and this year I guess there is a bill in the State of New Hampshire to repeal this bill because what the bill in New Hampshire did -- and I am glad the good Representative from Portland brought it out, will make it illegal for any children to possess tobacco products which means they could have raids in the school yards or on the street corners when any bunch of kids are congregating and haul them off for having tobacco.

You have got to go back into the home -- none of my children smoked and they still don't. I used to smoke three packs a day -- the most foolish habit I ever started but I don't anymore. It starts in the home. You can have all the regulations you want to but if any young person wants tobacco, they will find it.

I would ask that you vote down the Minority "Ought to Pass" and vote for the Majority "Ought Not to Pass" Report.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I don't think there are any of us here today that would do anything to encourage young people to smoke. However, I hope you will join me in voting against this for the following reasons. My reasons for opposing this are two, one it is a question of state resources. Every time we put resources in one place, we are taking them away from some other place. The other reason is that enforcement has never proven to be particularly effective. This bill's strength is on enforcement.

It would be wonderful if we could come up with a legislative solution to everyone's problem but unfortunately history tells us that that simply is not the case. There are a number of affirmative actions that the people who are in favor of this bill could take and will take in the event that this bill does not pass. It is my hope that they will do those things.

I would like to tell you right now about a project that is going on in a community, I believe in Franklin County, it is in the Farmington area. This project started at the local level when some health professionals realized in the process of cholesterol screening at the high school level, the number of kids that smoked. In response to that, they set about with a strong community awareness program and I was told by somebody in the Bureau of Health that they feel that they are going to get some great numbers from that program and some good response as far as preventing smoking and slowing down smoking abuse. I would suggest to you that this program has had success without any additional legislation. It has been the kind of program that started at the community level. It emphasized education and involvement of people in the community, peer involvement and those are the kinds of moves that cause success, not the kind of move that is in this legislation. That kind of effort will be continuing over our state because we have been fortunate enough to get a \$4.6 million federal grant that will be administered over the next six or seven years and will be based on that program that is currently running and is extremely successful in Farmington. It will provide that program or programs similar to that around the state and it can be done and will be done without this legislation.

I encourage you to vote against this so that we can accept the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative DiPietro.

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this bill, I would just like to give you a brief history. As most of you know, I leave here every night and I drive back to South Portland and I try to go back to work in my place of business. My concern with this bill is a couple of reasons. Number one, presently in the State of Maine, we have 33 wholesale tobacco distributors which are presently licensed between \$10 and \$25. If this order is passed, those licenses will go to \$5,000.

My other concern is that presently they talk about a \$5 charge this year but who is to say that next year the charge won't go to \$100 or \$200.

I feel that a bill like this is very important but I feel what is most important is that we have to educate the kids in the schools and in the homes, that is the place where this bill should be. Let's

educate them. Let's tell them it is bad for them to smoke. Let's tell them it is not good for them. But, I don't think you should punish the grocer because he isn't the person who is smoking the cigarettes, it's the kids.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to keep this debate going but when it comes to tobacco, I can't let it go by.

For the last three weeks, my committee has been dealing with the Department of Human Services and one of the issues that we dealt with was the increase in the cost of the Medicaid budget. One of those increases was dealing with nursing homes.

My good friend from Houlton — I remember his first term down here — came to me and said, you know the elderly in this state are really having a problem and we ought to be trying to deal with that. I hate to point out to my good friend from Houlton but one of the issues that the elderly are having a problem with is because they have bad health. Probably one of the reasons they have bad health is they started smoking at an early age and are now having a problem.

We can't have it both ways, we can't sit here and say that we all agree that smoking is bad and on the other hand, the Appropriations Committee is sitting downstairs wondering how they are going to increase costs for the elderly. We know, and if you don't know, then you are blind to this, that a good percentage of the reason why people are in hospitals today and end up in nursing homes is because of smoking. It is the number one killer in this country.

We either, as I said to the Appropriations Committee the other day, pay now or pay later. It is the Midas Muffler philosophy. What really irritates me is that I have lobbyists who come into my committee room who are supporting the substance abuse abusers and yet are on the other side of the issue and probably are sitting up in the balcony gaining money from R.J. Reynolds and the tobacco institutes and Philip Morris and everybody else. If we don't start to take a hard look at what we are doing, the cost is going to continue.

Just look around and think about the friends and relatives that you have had who have ended up in that hospital because of one thing, because they smoked. It is a very difficult addiction to break, I admit that, it is very hard. I have some real close friends in this body who do smoke and I understand the addiction. But, if we can stop the addiction before those individuals start, then I think we are saving the budget for many years to come. Down the road, there are going to be additional dollars put in that budget simply because somebody ends up on Medicaid, ends up with lung cancer, ends up in a nursing home or ends up in a hospital. This is a small, small issue but that small issue could pay back many millions of dollars down the road.

I know where this bill is going but if we don't start recognizing the bad things that come about when people smoke, especially young children, then we are just closing our eyes to future health care costs. That is all we heard. Both the Republicans and Democrats on the Washington level as well as this level have talked about health care costs. Well, ladies and gentlemen, this is the start of preventative maintenance — health care costs, cutting it down. Please, take a hard look at this

before you just absolutely say it is unenforceable. Five dollars is not unenforceable.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Hichens.

Representative HICHENS: Mr. Speaker and Members of the House: In my past years as a Representative and as a Senator, I have supported bill after bill which prohibits smoking in restaurants, hospitals and other places. When this bill first came before us this year, I was very strongly in favor of it but it got emasculated. All kinds of amendments were suggested, we had lobbyists from both sides who pressured us. On one of the amendments that was brought up as far as the vending machines, I brought it to the attention of one of the lobbyists that I found several vending machines which were out of the vision of the owners in motels or something like that and many of them were changed and put into the lobby so people could observe these young people who were coming in and buying their cigarettes.

We kept on emasculating this bill until it is not anywhere near the same bill which was presented to us. If I thought it was going to do any good and would prevent smoking by our young people, I certainly would be in favor of it. I can brag, I think, that I have 24 grandchildren and 16 of them would be affected by this bill, the rest of them are over 21 years old or over 18 years old. I am very much concerned about their smoking but, as one of the Representative's said, it starts in the home and then it goes to the school. When these young people have opportunity to see others smoking, their peer pressure is so great that they keep on doing it. This is not the answer to our problems and I hope you will support the "Ought Not to Pass" Report.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: Four quick points. The point was made about million dollar grants for educational purposes — the days of those are gone. This is a \$5 solution for most environments, not the million dollar grant world, we know that is finished.

Secondly, this gives ease of enforcement that protects the 99 percent of shopkeepers and sellers and purveyors of cigarettes who want to do it legally and want a way to protect them.

Third, this doesn't create a huge bureaucracy, it brings two individuals in it which points out the difficulty of enforcement that our besieged police departments have now. That criminal court world is untouched. This is an administrative environment and there are two individuals that can deal with it.

Finally, I would say that we have an opportunity here to change behavior in a certain sector of the community that affects children to change behavior. We can hope, as is usually the case, that once the behavior is changed, that later on, the heart follows behind and the education and the buttress in the home follows. Experience has proven in a number of areas that if you can set up a mechanism that will influence the behavior, that I am sure we would all ultimately like to see, that the home environment will follow.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I find it amazing here tonight that for a state who loves to license

everybody that we have never licensed people who sell tobacco. I don't know how many states have not licensed the sellers of tobacco, I can only speak for one state that I owned a business in. For the 22 years that I was there, I had to have a tobacco license. I had to have a tobacco license just for the privilege of selling that tobacco. I had to have a tobacco license because they came in and checked my cigarettes to make sure that I had the New Hampshire state tax on them. If I didn't, they could pull that license. Whatever I did against the laws of that state, they had a license to pull. I think that this state should have that same right because you may not think that there are people out there selling cigarettes without our state tax stamp on them but I bet there is because there are truck loads of them being hijacked and those cigarettes usually end up at the storekeepers. Maine has no license to know who is selling cigarettes in this state, they could be sold anywhere. They have no license to pull.

I have heard of a few problems tonight about what a bureaucracy it would create and I completely disagree. I don't believe there would be any big bureaucracy over it. If it had to do with hiring help, you can always put an amendment to say 30 days after you hire a person they have to be licensed to sell cigarettes. We do that with other things.

I just hope that you will support the Minority "Ought to Pass" Report tonight because I think it is a beginning. I think it is a beginning in maybe helping to control the selling of tobacco to our kids in this state.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Tobacco is a drug. Sales of tobacco to minors is the illegal sale of drugs and we have to get serious about it. We have put millions of dollars into other illegal sale of drugs and, though I don't particularly like licensing mechanisms, it is a way to raise money so we can enforce this particular illegal sale of drugs which is going on around us and causing far more harm in terms of death than other sorts of illegal sales of drugs, according to the statistics. That is why I will be supporting the bill. I think it is hypocritical not to be doing an effective job at stopping this particular form of sales of drugs.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Kittery, Representative Lawrence, that the House accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Rockland, Representative Melendy. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the

House is the motion of the Representative from Kittery, Representative Lawrence, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 313

YEA - Anthony, Bennett, Carleton, Clark, M.; Coles, Farnsworth, Goodridge, Gurney, Handy, Hastings, Heeschen, Hepburn, Holt, Kilkelly, Lawrence, Lemke, Manning, Marsh, McKeen, Mitchell, J.; Murphy, Nutting, O'Dea, Oliver, Pendexter, Pendleton, Pfeiffer, Powers, Richards, Richardson, Simonds, Simpson, Stevens, P.; Treat, Wentworth.

NAY - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Boutilier, Bowers, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gean, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Hanley, Heino, Hichborn, Hichens, Hogle, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kontos, Kutasi, Larrivee, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Marsano, Martin, H.; McHenry, Merrill, Michael, Michaud, Mitchell, E.; Morrison, Nash, Norton, O'Gara, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pineau, Plourde, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Cashman, Nadeau, Pines, The Speaker.

PAIRED - Mayo, Melendy.

Yes, 35; No, 110; Absent, 4; Paired, 2; Excused, 0.

35 having voted in the affirmative and 110 in the negative with 4 being absent and 2 having paired, the motion did not prevail.

Subsequently, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Returned Check Charges" (H.P. 1505) (L.D. 2119) on which the Minority "Ought to Pass" as amended Report of the Committee on Banking and Insurance was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-904) in the House on February 18, 1992.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Banking and Insurance read and accepted in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend and Improve the Laws Relating to Education" (S.P. 469) (L.D. 1252) which was passed to be engrossed as amended by House Amendment "B" (H-918) in the House on February 13,

1992.

Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-918) and Senate Amendment "A" (S-552) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Ensure Complete Recovery for Injuries to Children" (H.P. 1551) (L.D. 2189) on which the Majority "Ought to Pass" as amended Report of the Committee on Banking and Insurance was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-906) in the House on February 18, 1992.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Banking and Insurance read and accepted in non-concurrence.

On motion of Representative Marsano of Belfast, the House voted to Adhere.

COMMUNICATIONS

The following Communication: (S.P. 923)

115TH MAINE LEGISLATURE

February 14, 1992

Senator N. Paul Gauvreau
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Paul L. Rudman of Bangor for appointment as Justice of the Maine Supreme Judicial Court.

Pursuant to the Constitution, Article V, Part I, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

Was Read and Referred to the Committee on Judiciary in concurrence.