

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume III

Second Regular Session

March 23, 2000 – May 12, 2000

Appendix
House Legislative Sentiments
Index

ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
36th Legislative Day
Thursday, April 26, 2000

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

Prayer by the Honorable Robert E. Stanwood, Southwest Harbor.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

In Memory of:

Carl Sheltra, of Biddeford, former Member of the Maine House of Representatives during the 104th, 105th, 106th, 113th, 114th and 115th Legislative Sessions, serving as Chair of the York County Legislative Delegation and as Chair of the Business Legislation Committee. He was a United States Army Air Corps veteran of World War II and was a Past Exalted Ruler of the Biddeford-Saco Elks, Lodge #1597. We acknowledge his dedicated service to the State of Maine. He will be greatly missed by his family and friends;

(HLS 1293)

Presented by Representative SULLIVAN of Biddeford.

Cosponsored by Senator LaFOUNTAIN of York, Representative MARTIN of Eagle Lake Representative TWOMEY of Biddeford, Representative FRECHETTE of Biddeford.

On **OBJECTION** of Representative SULLIVAN of Biddeford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. It is with a sad heart that I read of the passing of Representative Sheltra. It is in his district that I serve today in the 119th. Representative Sheltra loved his country. He loved his family, his God and his community of Biddeford. He worked hard and he showed his passion. Like many of us who served here in either chamber, his spouse also supported his work and his work continues on today. His wife is a councilor for the City of Biddeford. He had a rough past two years being very ill. Biddeford is very grateful to him and certainly I am. Thank you very much for taking this time Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I was a little caught off guard by this. I was a long-time friend of Representative Sheltra. I had served with him in the 113th Legislature and knew him all my life. I had visited him from time to time at the facility he had been at in Biddeford in my job as an Emergency Medical Technician. I had seen him off and on over the last few years. Carl always had a good wit and a good sense of humor. He was one of the many former legislators that used to stay over at the Capital City Motel when they were accepting legislators. Carl, one of his loves was Mexican food. There was a place we all used to go in Gardiner where we had good friendship. Like former Representative Al Gamache from Lewiston, Carl was from the old school. He

would always place people first. He always placed the cause of good government above those of partisan politics. I have always said before those people who serve here their good is always retained. I know Carl's spirit is with us now. Carl, God bless you and rest in peace.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I served with Mr. Sheltra on the City Council. Many times I had the opportunity to go to Carl and Rose Marie's house. He loved his garden. He loved to walk in back of his house and show me his flowers. He took pride in that. He was a good Democrat. He loved to laugh. He loved a good joke and he really will be missed in the community of Biddeford. He served Biddeford well and I think he served the State of Maine well. Thank you Mr. Speaker.

ADOPTED and sent for concurrence.

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1954)

An Act to Amend the Liquor Laws to Create a New Category of License for Pool Halls and Exempt Certain Facilities from the Prohibition Against Smoking

(H.P. 1807) (L.D. 2533)

(S. "A" S-669 to C. "A" H-1004)

- In House, **PASSED TO BE ENACTED** on April 11, 2000.

- In Senate, **PASSED TO BE ENACTED** on April 13, 2000.

On motion of Representative TUTTLE of Sanford, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1004) as Amended by Senate Amendment "A" (S-669)** thereto was **ADOPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Senate Amendment "A" (S-669) to Committee Amendment "A" (H-1004)** was **ADOPTED**.

On further motion of the same Representative, **Senate Amendment "A" (S-669) to Committee Amendment "A" (H-1004)** was **INDEFINITELY POSTPONED**.

The same Representative presented **House Amendment "C" (H-1168) to Committee Amendment "A" (H-1004)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. As many of you are aware, I had requested a Joint Order to remove LD 2533 from the Governor's desk and submitted a draft of a floor amendment, which has removed the bowling centers and retained only the provisions dealing with pool halls. This floor amendment replaces the Senate Amendment, by which this bill was enacted. The floor amendment adopts those changes, which remove the self-contained lounge provision and adds the language, which strikes all reference to bowling centers. As you can see from the amendment (H-1168) from the summary, the amendment incorporates the changes made by the Senate Amendment to

the Committee Amendment and strikes the definition of bowling center lounge and removes the provision that would exempt the bowling center lounge from the ban on smoking. As most of you are aware, the Executive has communicated that he would veto this bill unless the bowling alleys were included. It is for that reason that I offer this amendment, Mr. Speaker.

Representative POVICH of Ellsworth **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-1168) to Committee Amendment "A" (H-1004)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I am feeling a little restrained about what I want to say and to whom I may want to direct my comments. I thought that we had disposed of this bill. I thought that this was something that was going to, I think, be palatable to most of us in this body. I have never taken a count. I don't know how many pool halls there are as compared to how many bowling alleys there are. I think that it is very unfortunate that I feel that we are in a position now where we have to carve out part of these small businesses. I know of one business that I will be visiting next Monday night because I happen to be part of a Monday night bowling league for old men. I know what kind of comments I am going to get so I feel obligated to get up and say that I am absolutely adamantly opposed to this. Now that is on record, I will support it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **DAIGLE**: Mr. Speaker, Men and Women of the House. In discussions about this bill, I was told by people out in the hallway advocating for it that under these conditions, a pool hall with smoking in progress would have to stop that if a young man or woman under the age of 18 entered the building. Can someone from the committee tell me if that is correct or if children will be welcome in these pool halls concurrently with adults smoking cigarettes? Thank you.

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. In answer to the good Representative's question, in the bill presently, pool halls will be defined as pool halls or billiard rooms with a minimum of six regulation pool tables. A pool hall must derive 50 percent of the annual income from the playing of pool or rental of the pool hall and the pool hall is not a restaurant as defined by Title 22. The pool hall license, the proprietor will have the flexibility in reference to the gentleman's question, to prohibit or permit minors. If minors are permitted, smoking is not prohibited on the premises. For the purpose of the pool hall license, a minor is anyone under 18. If smoking is prohibited, minors are prohibited unless accompanied by a parent or legal guardian as defined by Title 22.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I am rather faked out by a comment from a previous

speaker as to the unfairness of this amendment. I would urge you to defeat the pending motion to offer some fairness to bowling alleys that seem to fit in quite consistently with pool halls and off-track betting operations. Please defeat the pending motion.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to support the pending motion. I, too, think that the way we originally had it was the best way to include the bowling alleys and other things. Being reminded of the House Rule that will not let us talk about possibly actions of the Chief Executive, Mr. King, for reasons I cannot say, I urge you to support this amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-1168) to Committee Amendment "A" (H-1004). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 673

YEA - Ahearne, Andrews, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bryant, Bumps, Cameron, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Jacobs, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, Peavey, Perry, Pieh, Powers, Quint, Richard, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Shields, Skoglund, Snowe-Mello, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tripp, True, Tuttle, Twomey, Usher, Watson, Weston, Williams, Mr. Speaker.

NAY - Bagley, Belanger, Brooks, Buck, Bull, Cross, Daigle, Davis, Desmond, Gerry, Honey, Jodrey, Kasprzak, Mendros, Mitchell, Perkins, Pinkham, Povich, Richardson E, Rosen, Schneider, Stanwood, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bragdon, Campbell, Cianchette, Davidson, Frechette, Jabar, Jones, Joy, Kane, Matthews, O'Neal, O'Neil, Plowman, Richardson J, Rines, Shorey, Sirois, Stedman, Tracy, Volenik, Wheeler GJ.

Yes, 103; No, 27; Absent, 21; Excused, 0.

103 having voted in the affirmative and 27 voted in the negative, with 21 being absent, and accordingly **House Amendment "C" (H-1168) to Committee Amendment "A" (H-1004) was ADOPTED.**

Committee Amendment "A" (H-1004) as Amended by House Amendment "C" (H-1168) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1004) as Amended by House Amendment "C" (H-1168) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**
