

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twentieth Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 6, 2000 – May 17, 2001

Pages 1-889

An Act to Amend the Small Power Production and Cogeneration Laws

(S.P. 151) (L.D. 495)  
(C. "A" S-38)

An Act to Establish the Identification Card of a Maine Indian Tribe as an Acceptable Form of Identification

(H.P. 396) (L.D. 517)  
(C. "A" H-85)

An Act to Promote Affordable Housing for the Elderly

(H.P. 397) (L.D. 518)  
(C. "A" H-89)

An Act to Amend the Charter of the Gray Water District

(H.P. 480) (L.D. 620)  
(C. "A" H-86)

An Act to Discourage Frivolous Appeals

(S.P. 224) (L.D. 789)

An Act to Amend the Maine Insurance Code to Adopt Statutory Insurance Accounting Principles

(H.P. 654) (L.D. 854)  
(C. "A" H-79)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Provide George J. Mitchell and William S. Cohen Lifetime License Plates

(H.P. 782) (L.D. 1026)

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

On motion of Representative KASPRZAK of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 47**

**YEA** - Ash, Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cressey, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Estes, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tobin D, Tracy, Tuttle, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

**NAY** - Andrews, Annis, Belanger, Berry DP, Bowles, Carr, Chase, Clough, Crabtree, Daigle, Dorr, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Kasprzak, Labrecque, Lovett, MacDougall, Morrison, Nass, Peavey, Perkins, Pinkham, Sherman, Snowe-Mello, Tobin J, Treadwell, Twomey, Waterhouse.

**ABSENT** - Baker, Buck, Bunker, Cummings, Etnier, Goodwin, Green, Kane, Michael, Muse K, Povich, Quint, Stedman, Tessier, Thomas, Trahan.

Yes, 103; No, 32; Absent, 16; Excused, 0.

103 having voted in the affirmative and 32 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Resolves**

Resolve, Directing the Department of Inland Fisheries and Wildlife to Submit a Proposal to Encourage the Harvest of Coyotes

(H.P. 199) (L.D. 229)  
(C. "A" H-98)

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

On motion of Representative BULL of Freeport, was **SET ASIDE**.

The same Representative **REQUESTED** a division on **FINAL PASSAGE**.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Division Requested)

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The House recessed until 5:00 p.m.

(After Recess)

The House was called to order by the Speaker.

Under suspension of the rules, members were allowed to remove their jackets.

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, April 12, 2001, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Prohibit Smoking in Certain Bingo and Beano Halls"

(H.P. 180) (L.D. 191)

- In House, Bill and accompanying papers **INDEFINITELY POSTPONED** on April 4, 2001.

- In Senate, Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)** in **NON-CONCURRENCE**.

**TABLED** - April 11, 2001 (Till Later Today) by Representative KANE of Saco.

**PENDING - FURTHER CONSIDERATION.**

Representative JACOBS of Turner moved that the House **RECEDE**.

Representative WATERHOUSE of Bridgton **REQUESTED** a roll call on the motion to **RECEDE**.

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 wish that there were a different way to proceed with this. Not being totally familiar with or not recalling as quickly as I should the process that we need to follow here. This House, this body, when this bill was before us before, it sent a message I thought that was loud and clear. I would like to see us continue with that. If I thought a motion to Adhere to our previous motion was in order, I would have made that, but I understand that is not. This is the strongest motion. I hope that you will join with me and not vote to support this. Again, this House has acted in the past and because we are not concurred with, we are now faced with the possibility of prolonging this. The arguments that we heard before, I think still stand. We are going to be right back to talking more and more and debating great length of the merits of smoking in places where we are trying to prohibit them. For heaven's sake, this is recreation. Let's let people make decisions on their own. I would hope that you will follow my light and not vote to Recede. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative **JACOBS**: Mr. Speaker, Men and Women of the House. I would like to explain why I wanted to Recede. The Committee Amendment, House Amendment "A", I want to Recede because I want to put a different amendment on later. The first amendment made it so that everyone would have to go no smoking in Bingo/Beano halls regardless. I want to get rid of Amendment "A" because it does not do what I want it to do for the people of Maine. I don't know any other way of explaining it other than that. Thank you Mr. Speaker.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I voted with the majority when we Indefinitely Postponed this bill or accepted one of the reports. I don't remember exactly what our posture was. I think it would be only fair and honorable to extend Representative Jacobs the courtesy of putting this particular matter in a posture where she could present the amendment. We can debate the amendment at that time. It doesn't mean we have to support it, but I certainly support this action now and I hope my colleagues will follow my light.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, is it appropriate to debate the merits of the bill now?

The **SPEAKER**: The Chair would rule that it would appropriate to debate Committee Amendment "A" or to discuss the procedural posture, which is being presented at this time, not to debate a potential subsequent amendment or an amendment not before the body. You may debate Committee Amendment "A" if you wish. The Representative may proceed.

Representative **SHIELDS**: Mr. Speaker, Men and Women of the House. I stand in support of this amendment and this bill because I think it is the right thing to do. I just don't believe that innocent citizens should be forced to bring second-hand cancer in order to play Bingo or Beano. After the previous vote of this

body, the *Lewiston Sun Journal* published a list of local legislators who voted for and against the bill. I then received a number of calls and messages from people who stated there had been a significant increase in attendance at their local parish hall games after they decided to go smoke free. I know of another game in another town nearby, which allows smoking, and it is failing. This says to me that economic disaster does not necessarily follow when a game decides to stop making the players breath the second-hand cancer. Our restaurants have had a similar experience. During the hearing I asked our legal advisors this question, if an organization at a Bingo game wherein the attendance is restricted to members and guests only, such as an American Legion, is that called a public place? This is what the bill calls for, restriction of smoking in a public place. The answer is if the public is not invited, it is a private place and therefore this law would not apply. For those who wish to breath second-hand cancer, there is a place for you. I urge you to support Representative Jacobs and follow her light.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Recede. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 48

YEA - Annis, Ash, Bagley, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hawes, Hutton, Jacobs, Jodrey, Jones, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lessard, Lovett, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy E, Muse C, Nass, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Shields, Simpson, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Winsor, Young, Mr. Speaker.

NAY - Andrews, Belanger, Bowles, Brooks, Chase, Clough, Crabtree, Cressey, Duprey, Foster, Glynn, Gooley, Haskell, Hatch, Heidrich, Honey, Kasprzak, Labrecque, Ledwin, Lemoine, MacDougall, Nutting, O'Brien JA, Pinkham, Sherman, Skoglund, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Baker, Buck, Davis, Kane, Madore, Murphy T, Muse K, Perry, Rosen, Stedman, Thomas, Wheeler GJ.

Yes, 110; No, 29; Absent, 12; Excused, 0.

110 having voted in the affirmative and 29 voted in the negative, with 12 being absent, and accordingly the House voted to **RECEDE**.

Representative JACOBS of Turner **PRESENTED** House Amendment "B" (H-135), which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative **JACOBS**: Mr. Speaker, Men and Women of the House. House Amendment "B", this amendment allows smoking in a public place when high-stakes Beano or high-stakes Bingo games are being conducted in accordance with the provisions of the Maine Revised Statutes. It also provides that smoking is allowed in non-profit Bingo/Beano halls if that place is serviced by a ventilation system that replaces air within 10 minute or shorter cycles. That is the amendment, Mr. Speaker.

I rise to speak today to again ask for your support of the bill, LD 191, before this House. This bill will simply bring Bingo halls into line with almost every other public recreational activity in the

state. At the same time we will be protecting many of our elderly and most vulnerable citizens from this serious health risk.

The Environmental Protection Agency list second-hand smoke as a Class A carcinogen, the most toxic class of all cancer causing chemicals for which there is no acceptable human exposure. This puts second-hand smoke in the same class as formaldehyde, arsenic, benzene and radon. If this bill imposed a ban on those substances there would be little debate. Smoking kills seven Maine citizens a day, one of them a non-smoker. One in nine Maine citizens will die from tobacco related diseases not become ill or encounter complications, but die. To put that in more real terms, approximately 20 percent of the individuals who voted against this proposal the first time will die as a result of tobacco.

I have heard that if we ban smoking it will be the end of halls, that attendance will drop and these organizations will lose needed revenue. We have heard this argument before with every other business and group. Research, however, suggest this is not the case, in areas in which there are bans attendance has dropped little if any.

Finally, here in Maine of the 50 VFW halls that operate a Beano 22 currently are non-smoking and doing fine. If they can, why can't others? Further, I have heard many comments that this is a bill that infringes on rights. That soon we will be telling you that you cannot smoke in your own homes. That simply is not the case. The question I pose to this body is why do we allow smoking in Bingo/Beano halls to begin with? For various reasons we banned smoking in public places, in our stores, in our restaurants, in our theaters and auditoriums, and in our workplaces. We do this not because we want to trample smoker's rights, we do it to ensure the health and safety of those who do not smoke. Many have said that if they don't like the smoke, then don't go. If we are to accept that argument, why does it not hold true for movie theaters, auditoriums and restaurants? The same argument could and has been made with those voluntary activities. However, this body has said no to this argument time and time again. I ask you today to again say no. I urge you to support this bill. It is the right thing to do for all the people of Maine.

Representative WATERHOUSE of Bridgton moved that **House Amendment "B" (H-135)** be **INDEFINITELY POSTPONED**.

Representative COLWELL of Gardiner **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-135)**.

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. Let's do it. Let's Indefinitely Postpone it. If you want to wait, we can do that when it gets attached. We can do it to the bill and we can be here all night and we can debate this. I think we ought to send a message back down to the other body that we were sincere about what we did. The vote margin was pretty wide. If you listen to the testimony that was previously presented by Representative Jacobs, my friend Representative Jacobs, she already testified that half of the Beano halls in the State of Maine are complying with somebody's wishes to have no smoking. I am not sure who is requesting that. It must be the people who play Beano in those particular halls. If we are already complying, why are we putting it in law that they must be the other 48 or whatever it is and they must comply as well? We have exemptions in the bill. I don't quite understand why we would want to do this. One more time we are going to invade people's personal lives and tell them what to

do and what not to do and where to smoke and where not to smoke.

There was a bill earlier this year that I understand is not coming back that would have restricted them even further. Ladies and gentlemen of the House, I think we have gone far enough trampling on smoker's rights. I don't want mine trampled on if I choose to smoke or return to smoking. I smoked a long time and I smoked a lot. I chose to quit and now I choose to go to places where other people don't smoke, but that is my choice. I don't know why we can't do the same thing and stop treading on private business. I can tell you of a restaurant in the Town of Brooks that is closed today. We banned smoking in restaurants. He threatened, he said, "Please Joe." As you can remember, those of you who were here last term, I did argue against doing it because of exactly what he had predicted would happen has happened. I know of another restaurant in my district where business has dropped off considerably. Will it gain again? I don't know. I suspect it probably will. It has been proven all over the place that that is not necessarily a deterrent to ban smoking. I went to a restaurant the other day and I looked on the ground and counted almost \$10 worth of cigarette butts if we had a 5 cent deposit on them. That is not a political ad or anything, but what I want to say to you is let's not continue to invade people's privacy. This is a recreational activity. Let's do it at the racing tracks next where perhaps outside the gate they can stand there and smoke. I say let's Indefinitely Postpone this amendment and get back to the main bill and then take the same action that we did when it was before this body previously and not cower to some people who want us to do it the other way from down the hall. Thank you very much Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I hope that you vote against the Indefinite Postponement of this amendment. For the record, Indian high-stakes Bingo does not fall into the same category as your regular non-profit Bingo. The Penobscot Nation pays the State of Maine \$50,000 a year so that we can operate at a high-stakes level. Our customer base is located in Canada and throughout New England. We compete with other high-stakes Bingo locations, such as New Brunswick, Nova Scotia, New Hampshire and Connecticut where customers are allowed to smoke. We have recently upgraded our facility by investing approximately \$750,000 in a smoke removal air exchange system. Eighty percent of our customers arrive by bus with an average of 50 or 60 bus tours on a Bingo weekend. We purchase 600 or 700 hotel rooms in the Bingo area. This includes Old Town, Orono, Bangor and Brewer. This influx of people from Canada and throughout New England boost the local economy as well. They not only play Bingo, but shop at local malls and eat at local restaurants. We estimate that approximately 75 percent of our customers smoke. If these customers were not allowed to smoke, they would certainly choose to play high-stakes Bingo elsewhere and we would lose this cash infusion to our economy as well as local economies. The Penobscot Nation depends on the income generated from high-stakes Bingo to help with the costs of tribal governments services. If our customers are not allowed to smoke, we will lose up to 75 percent of our customer base. For these reasons, I ask you to Indefinitely Postpone this amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

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

The **SPEAKER**: The Representative may pose his question.

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I ask anyone who might want to answer the question, if we pass this amendment, wouldn't we be obligated to offer the same type of amendment for any other public place that is now smoke free?

The **SPEAKER**: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I think it refers to what this body did last year regarding smoking in restaurants. Part of the argument we did there was the decision not to allow particular institutions, particular businesses, to out compete or Wal Martize their competition because they had the funds to put the smoking and ventilation equipment in. We went with a flat ban. What House Amendment "A" would essentially do is that Wal Martization of Beano games in the state because it would say that you can only have smoking in facilities that are wealthy enough to put in the expensive filtration equipment. It undermines the very heart of what Beano has been in our society. It is small, local, non-profit, a history of money raised for the good of the community. It started with the Daughters of the American Revolution if I recall my history correctly. It is done on a very small scale. That is the nature of what Beano has been to this state. It is why I will support the existing motion to Indefinitely Postpone. I guess I will leave the body with the last thought, which I tried to do last time and who are we trying to protect? Are we protecting consenting adults from themselves? I don't think that is the role of the state. We have no children in these Beano halls. We have volunteers that are running them. There is nobody to protect but the adults who are there. I think we go to far by making that step. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative **COTE**: Mr. Speaker, Members of the House. I rise again on this bill. I am going to urge my fellow colleagues to vote against the pending motion. I stated once before and I will state it again, if you go inside Beano halls, it stinks, plain and simple. If you choose to smoke, fine, go outside. Take five minutes and go outside and smoke. You don't have to stay inside the Beano halls if you choose not to. That is your prerogative. What we are trying to do here is we are trying to make an air-free environment for people. I, myself, have diabetes. I, myself, have asthma. I, myself, was in a hospital two weeks ago fearing a heart attack. I have never had a heart attack a day in my life. All this is caused from smoking. Second-hand smoke does kill. As you were just given, the statistics that were just handed to you, information on second-hand smoke, all the statistics are true. I know for a fact that one of the Beano halls in our area, in Lewiston, went from 90 members to 120 members because of the smoke free environment. It can be done. I urge my fellow colleagues to follow Representative Jacob's light and my light and vote against the pending motion. Let's vote Ought to Pass on Amendment 'B.'" Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. At least three of the proponents who have spoken have actually answered the questions, in my mind. They have said that several of these establishments have already banned smoking. It is a good consequence. They have actually increased their patronage. My feeling is the state ought to solve the problems that the people can't solve. People come to us to

solve problems they can't solve. They are solving the problems. Apparently several of these Beano halls have banned smoking. Certainly we don't need to do it at the state level, it is as simple as that. In this amendment, if we are basing this on a principle here, a concern, why does that concern and that principle diminish due to something called high stakes? It seems to me that amendment ought to be defeated and then we ought to go on to defeat the entire bill, I believe. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Mr. Speaker, Men and Women of the House. I would just like to touch upon a couple of comments that I have heard so far. The honorable Representative Lemoine from Old Orchard Beach has stated that there are no children at Bingo. I hope I can say this, but I am on the Week Bingo Committee, according to the newspapers, so I have a little bit of knowledge of the area of Bingo. I also have been a Bingo volunteer for 28 years of my life. I know exactly what goes on at most Bingo halls. I have done it for 28 years, sometimes two days a week as it goes along. Another thing I heard is, are we going to legislate adults to make decisions like that? I don't know about the health care crisis in the State of Maine, I guess I understand that 50 to 60 percent is directly related to the costs of smoking. We are debating whether or not we are going to save our Fund for Healthy Maine, yet we will do away with the opportunity for people to smoke. One of the statistics the Honorable Representative Jacobs had stated was seven people die every single day, adults and children, 20 percent of those are non-smokers. Some of the statistics over my 28 years as a Bingo volunteer, which I do have the choice to do it if I don't want to, but I do it for the good of the communities that I serve. Seven people die per day and 49 people die per week and 210 people die every month, 2,555 people die per year and 51,540 people have died in the State of Maine since I have been a volunteer. Am I going to help adults protect themselves from themselves? I urge you to vote not to Indefinitely Postpone and then get on there and pass the bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Members of the House. I would urge you to vote against the Indefinite Postponement of this bill. I will put a different slant on this. I believe this is a health issue, a public safety issue. Anytime the public gets together in meetings, you always give up certain civil liberties, if you will, for the good of the people that are there. For example, Bingo/Beano is gambling. It is licensed by the authority of the Legislature and then by the Maine State Police. That license authorizes the Maine State Police to look into and investigate the people that run the Beano halls. I feel comfortable with that. It is part of the public being present. They also inspect the hall. The fire people come in and inspect the hall and make sure it is safe. Also, we have handicapped parking outside. That is another issue. The public is together and we give up certain rights to accommodate everyone else. The burner or the heating system in an establishment like this is also inspected and licensed. If a burner goes bad and it has a bad smell, what do you do? You evacuate the building. You walk into a Beano hall now and you look at the smoke and it is probably 10 times worse, nothing happens. I say we have got to give up some of our civil rights when mass gathers are present for the good of everyone that is present. I would urge you to support this amendment and vote against the Indefinite Postponement. Thank you.

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

Representative **NUTTING**: Mr. Speaker, Men and Women of the House. For those of you interested in the short story, while I find this debate invigorating, last week we all took a week off and we went home. Some of us raked our lawns, some of us planted our gardens and some of the luckier ones flew to Florida or Aruba. In regards to smoking and Beano, nothing changed last week. We voted overwhelmingly to kill this bill and those of you who knew what you were doing last week, know what to do today. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. This has been a little confusing to follow this debate, but I just want to focus on a matter, the only matter that is before this body today, since our previous action said that we want to prohibit smoking in all Bingo and Beano halls, now the amendment proposes that we say, not all of them. I just want to state for the record that the same way two years ago that we banned smoking in restaurants because we cared about all of the customers smoking or not and I feel that if we are going to pass this bill, then we should care about all of the people playing Bingo, smoking or not. The same way we banned smoking in restaurants because we cared about the employees. I believe the employees in high-stakes Bingo halls have every bit as much value and right to life as people in less affluent surroundings. I believe we sent a message when we banned smoking in restaurants that basically places of public accommodation, we don't want to have smoking. Therefore, I don't think we want to have that same message contaminated by saying unless this is a high-stakes Bingo hall, then we really don't mean it. If we want to accomplish all of those things, we need to vote for the pending motion to Indefinitely Postpone the House Amendment and leave the debate pure. You either want smoking or you don't want smoking. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. As the sponsor in the last two sessions of the bill that dealt with smoking in restaurants, I can't resist the temptation to respond to my good friend from Arundel, Representative Daigle. We didn't ban smoking in all restaurants statewide. I would have loved to have. I would have loved to ban smoking in all bars and taverns statewide. That wasn't possible. We did what we did. We did what we could. We banned it where children are allowed without the presence of an adult. That was as far as we could get. We did a lot when we did that. We did a good thing when we did that. We didn't go as far as I would have wanted. You do what you can around here and you do it in incremental steps and sometimes you can't get all the way there with one fell swoop. We did what I know the public wanted when we did that. I think Representative Jacobs has done a commendable thing in trying to address some of the concerns that we raised about the original bill in trying to make this incremental thing. I certainly supported the bill before some of you had a vacation last week. I certainly will support this amendment today recognizing that it is only incremental and that in the 121<sup>st</sup> Legislature you folks will come back here and continue the good work you start today. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-135). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 49**

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Bowles, Brooks, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Dunlap, Duplessie, Duprey, Fisher, Foster, Gerzofsky, Glynn, Goodwin, Gooley, Haskell, Hatch, Heidrich, Honey, Jodrey, Jones, Kasprzak, Labrecque, Landry, Ledwin, Lemoine, Lundeen, MacDougall, McGlocklin, McKenney, Mendros, Michael, Mitchell, Murphy E, Muse C, Nass, Norbert, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Povich, Richardson, Rines, Savage, Sherman, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Estes, Etnier, Fuller, Gagne, Green, Hall, Hawes, Hutton, Jacobs, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lovett, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, McNeil, Michaud, Morrison, Norton, O'Brien LL, Paradis, Patrick, Pineau, Quint, Richard, Schneider, Shields, Simpson, Smith, Tessier, Tracy, Twomey, Volenik, Watson, Mr. Speaker.

ABSENT - Baker, Buck, Davis, Kane, Madore, Murphy T, Muse K, Perry, Rosen, Stedman, Thomas, Wheeler GJ.

Yes, 74; No, 65; Absent, 12; Excused, 0.

74 having voted in the affirmative and 65 voted in the negative, with 12 being absent, and accordingly **House Amendment "B" (H-135) was INDEFINITELY POSTPONED.**

Representative **BROOKS** of Winterport moved that the House **ADHERE**.

Representative **TRACY** of Rome **REQUESTED** a roll call on the motion to **ADHERE**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Adhere. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 50**

YEA - Andrews, Annis, Ash, Bagley, Belanger, Berry DP, Berry RL, Bowles, Brooks, Bryant, Bumps, Carr, Chase, Chick, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Dugay, Dunlap, Duplessie, Duprey, Fisher, Foster, Glynn, Goodwin, Gooley, Haskell, Hatch, Hawes, Heidrich, Honey, Jodrey, Jones, Kasprzak, Labrecque, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lundeen, MacDougall, McGlocklin, McGowan, McKenney, Mendros, Michael, Michaud, Murphy E, Muse C, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pinkham, Rines, Savage, Sherman, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Volenik, Waterhouse, Wheeler EM, Winsor, Young.

NAY - Blanchette, Bliss, Bouffard, Brannigan, Bruno, Bull, Bunker, Canavan, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Duncan, Estes, Etnier, Fuller, Gagne, Gerzofsky, Green, Hall, Hutton, Jacobs, Koffman, LaVerdiere, Lessard, Lovett, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McKee, McLaughlin, McNeil, Morrison, Norton, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Schneider, Shields, Simpson, Smith, Tessier, Twomey, Watson, Weston, Mr. Speaker.

ABSENT - Baker, Buck, Davis, Kane, Madore, Mitchell, Murphy T, Muse K, Perry, Rosen, Stedman, Thomas, Wheeler GJ.

Yes, 81; No, 57; Absent, 13; Excused, 0.

81 having voted in the affirmative and 57 voted in the negative, with 13 being absent, and accordingly the House voted to **ADHERE**.

The following items were taken up out of order by unanimous consent:

**SENATE PAPERS**

Resolve, to Establish the Maine Cattle Health Assurance Program

(S.P. 598) (L.D. 1771)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

**Pursuant to Joint Order  
Committee on Natural Resources**

Report of the **Committee on NATURAL RESOURCES** pursuant to Joint Order S.P. 563 asks leave to report that the accompanying Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling

(S.P. 600) (L.D. 1775)

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 175) (L.D. 603) Bill "An Act to Increase Instruction for Legally Blind Children" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(S.P. 204) (L.D. 769) Bill "An Act to Change the Job Title of County Administrator to County Manager for York County" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 456) (L.D. 1509) Bill "An Act to Clarify and Make Technical Corrections to Retirement Laws" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 65) (L.D. 236) Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in 6 Parcels of Land, One with a Building, Held by the Department of Education and Located in the Unorganized Territories Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-59)**

(S.P. 66) (L.D. 237) Bill "An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-61)**

(S.P. 100) (L.D. 326) Bill "An Act to Include a Legislator as a Voting Member of the Somerset County Budget Committee and

to Eliminate the 3 Advisory Members" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-65)**

(S.P. 190) (L.D. 662) Bill "An Act to Remove Barriers to Providing Natural Gas Services" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-64)**

(S.P. 211) (L.D. 776) Bill "An Act to Authorize the Department of Transportation to Use the Design-Build Method of Project Delivery" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-54)**

(S.P. 279) (L.D. 990) Bill "An Act to Establish the Maine Regulatory Fairness Board" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-57)**

(S.P. 336) (L.D. 1143) Bill "An Act to Allow Principals of Limited Liability Corporations to Appear in Court in Forcible Entry and Detainer Cases" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-56)**

(S.P. 338) (L.D. 1145) Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Jacob Abbott House and the Reed Auditorium Properties, Located at the Stevens School Campus in Hallowell Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-60)**

(S.P. 362) (L.D. 1200) Bill "An Act to Direct that a Percentage of Revenue That the State Receives Be Allocated to Community Forestry" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-62)**

(S.P. 538) (L.D. 1669) Bill "An Act to Increase Business Opportunities at the Port of Eastport" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-58)**

(H.P. 252) (L.D. 288) Bill "An Act to Clarify Access to Private Lines in a Public Way" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-142)**

(H.P. 328) (L.D. 418) Bill "An Act to Promote Efficiency in the Provision of Administrative Services for Child Care Providers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-148)**

(H.P. 584) (L.D. 739) Bill "An Act to Require That Wolf Hybrids be Tattooed and to Establish Penalties for Releasing Wolf Hybrids from Captivity" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-150)**

(H.P. 777) (L.D. 1021) Resolve, Extending the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-147)**

(H.P. 861) (L.D. 1133) Bill "An Act to Establish a Subsidy for Maine Performing Artists at Maine Fairs" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-143)**

(H.P. 884) (L.D. 1176) Bill "An Act to Require the State to Purchase the Initial Flags That are Required for Veterans' Grave Sites" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-146)**