

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-First Legislature**  
**State of Maine**

**Volume I**

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fine. What happens is they smoke on the way to an event and pick up the foster child and they smoked, that smoke is still going to linger inside that car until those people get to that destination. If a DHS social worker comes up after and they are in their home, they are going to ask a question, when did you smoke with this foster child in their presence? I didn't. I did it on the way over to pick up the foster child at a sporting event. When they got in the car I was not smoking and went home. The foster child smells like second-hand smoke. How are you going to enforce this, ladies and gentlemen? We have to go back to the morals that people are there to bring up the children. Mr. Speaker, may I pose a question to the chair? To anyone that may answer, is the State of Maine in the business of employing people to bring up kids?

The SPEAKER: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen of the House. In response to question raised, the State of Maine is forced to be in the business of helping to bring up children who are victims of abuse and neglect and have been in that business for 100 years or more. We invest a great deal of money in assuring a quality child protective system that guarantees the security and growth and development, but physically and emotionally of these children. Yes, I am afraid, regrettably, we are in the business and will stay in that business as long as we are needed. Thank you.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I first want to say that I have ultimate respect for the sponsors of this bill. I have never smoked in my life. I have been progressive in all of the non-smoking legislation that we have passed, but I really had to search my conscience on the fact that if the bottom line is that this is truly a health issue, which I believe it is and if it is truly an issue that we want to protect all children, then we truly should do this for the whole State of Maine. That is the problem that I am having with this. Why are we singling out foster parents? I want to go back home and say that I care about the children in my community. The State of Maine says so and I know the argument is because we pay them. As I am trying to search this through and listening to this debate, I mean there is poverty issues, hunger issues, those are issues that we can all jump on the bandwagon for and support to try to protect children. I just can't, in my mind say, we are singling out foster parents if truly the bottom line is health issues. We know second-hand smoke is bad, then we should be doing this for the whole State of Maine. I don't know how we can start just chipping away. Let's be honest about it. What are we trying to do? Be honest about it. I think this is just singling out foster parents. I think the social workers have plenty to do. They are now going to have to come in and be smoke cops and have to call in if they smell smoke on the children's clothes. There was a great question raised in caucus about, what if that child smokes? What if that foster child smokes? I am not clear about where the fines would go. Those are my concerns. I am having a real problem dealing with this because I don't support smoking. I don't support second-hand smoke, but I am also opposed to singling out one segment of Maine's population. Thank you.

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

Representative SUSLOVIC: Mr. Speaker, Men and Women of the House. I stand in support of the Majority Ought to Pass as Amended Report. I would like to remind members of this body

that at one time smoking was allowed here in this chamber. We abolished that out of the care and consideration for each other's health. I respectfully ask that we extend that same care and consideration to the wards of this state. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

A vote of the House was taken. 71 voted in favor of the same and 75 against, and accordingly the Majority **Ought to Pass as Amended Report** was **NOT ACCEPTED**.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **FURTHER ACTION** and later today assigned.

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

### BILLS IN THE SECOND READING

#### House

Bill "An Act to Ban Smoking in Beano and Bingo Halls"

(H.P. 186) (L.D. 227)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative CAMPBELL of Newfield, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Men and Women of the House. I think this is just another bill that is going to hurt small businesses. If you run a bingo hall or a beano hall and you want to allow smoking or not smoking, I think it should be up to the person that runs the business. I don't think it should be up to us making laws. A lot of people seem to want to stop smoking and they are upset when some of their pet projects are taken out by the Governor in his budget and these projects are funded by cigarette money, tobacco money. I think maybe the State of Maine, like my colleague on the other side of the aisle said, we should just ban cigarettes in the State of Maine like we did alcohol years ago. No one can smoke in the State of Maine. No one can sell cigarettes in the State of Maine and then what would our budget look like when we don't get the tobacco money. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Men and Women of the House. As most of us know, Maine lost a mission to reduce the adverse affects of smoking on the health of Maine citizens some 10 years ago. As a result of multiple approaches to protecting citizens from the adverse affects of second-hand smoke, we passed legislation to ban smoking in a variety of public places, most recently in restaurants. Several years of experimenting with designated smoking areas in restaurants demonstrated that very expensive equipment installed to deal with the problem did not work effectively in reducing exposure. In a recent public hearing our committee received unsolicited testimony from restaurant owners, which affirmed that the positive impact of the ban, not only on the health of customers and staff, but on the quality of the restaurant environment and significantly on the increase of businesses and profits.

The crucial aspect of the ban, they felt, was the creation of a level playing field, resulting in a total ban. The original concern was absent a total ban that people would, in fact, select among smoking and non-smoking restaurants. The smoking restaurants were afraid that they would lose business. The total ban, they welcomed it.

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At this point, the fire alarm sounded and the House was evacuated.

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(After the fire alarm)

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The House was called to order by the Speaker.

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The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. I didn't realize I had the power to invoke the divine intervention to make my point. That is an example of the effect of smoke. Having said that, I won't start from the top again, but I do just want to recollect for a moment that we have had an extensive history for the past two years on the implementation of the smoking ban on restaurants. Many of the same issues and concerns, in terms of the economic affect of smoking in restaurants, of what would happen, the word back to us from the restaurant owners is that it is the best thing that ever happened. As concerned as they were, it is the best thing that ever happened.

The point I was about to make before the bell went on is a ban on smoking in beano halls and bingo halls would likely be very similar. By the way, I don't know of any legislator that I have talked with who has had a single call from a constituent that has asked them to oppose this bill. There was no opposition in the public hearing to the bill. In contrast, at the time that this committee held public hearings during the 118th and the 119th Legislatures, to ban smoking on restaurants, the hearing room was crowded with opponents who predicted dire consequences as an anti-business strategy that would drive customers away. However, results clearly demonstrate that protecting patrons from second-hand smoke not only is good public health, but it is also good for business and good for the people of Maine.

Our public hearing on this bill, as I indicated, had no public opposition. I believe that in itself is a reflection. We attempt to use our public hearings not only for the information that gets conveyed to us, but also by the sentiments expressed and by the opposition or support that gets conveyed.

The State of Maine currently expends hundreds of millions of dollars in the Medicaid Program, a significant portion of which goes to the treatment of pulmonary, respiratory and cardiovascular disabilities and diseases that are directly related to the harmful affects of smoking and second-hand smoke. One of the major objectives, major focus of our session now is looking at comprehensive health care, cost effective comprehensive health care and we learned that the most cost-effective way of dealing with the health care issue is to reduce the factors, whether it is obesity, alcohol or tobacco. You reduce the incidence of the disease in the first place.

I urge you to reinforce the currently established public health policy that we have been following over the past 10 years, a policy that is good for business, good for the health of Maine's people and good for Maine's taxpayers. Thank you Mr. Speaker.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I think a little bit of history on this issue might be in order in terms of the issue of smoking in beano and bingo halls. I distributed the other day a copy of the current statute on smoking areas in beano halls. That was a law that

was enacted in 1997. It happened to be the first bill that I ever introduced as a legislator. I did this at the request of several of the operations in Old Town, which conduct non-profit beano and bingo, including the Knights of Columbus, the Elks and the VFW. They are very concerned about talk of a potential prohibition on smoking in their halls. They wanted to do something to accommodate both smokers and non-smokers. This was something that they had approached my predecessor, the Honorable Bob Keene, to put in and he decided not to run for office again and he asked me if I would do it. I met with these people and I agreed. That was subsequent to previously failed legislation to do exactly what is in the chaptered law today, which was submitted by then, Senator John Baldacci. That legislation failed. We were able to get it passed. If you saved the distribution from the other day, you will see that it is in Title 17, Chapter 13A, Section 327. It says, non-smoking area, it says that the Chief of the State Police shall adopt rules and allow a licensee to establish a non-smoking area within the room or outdoor area where the operator calls the numbers.

The real issue why this was so hard to do was the State Police had a problem with the issue of two master boards for a smoking or a non-smoking area. We were able to address this in this legislation. Basically the current law would allow a separate non-smoking are with a separate master board and separate beano official to oversee it. This was a unanimous committee report out of the Committee on Health and Human Services. That report was accepted exactly six years ago today, May 1, 1997. Representative Kane, the Representative from Saco, is absolutely right. None of us have gotten complaints about this issue. I have never heard any negative feedback on the effects of the current law, which allows for separate non-smoking areas. Beano halls are allowed to do this. They were concerned about a one size all or nothing type of statute. That is why we enacted the law. It has been on the books now for almost six years. It seems to have been working well. I have actually checked back with these people. They said they were very pleased to have the ability to accommodate their non-smoking patrons to their greatest comfort.

The issue has been brought forward; also, about the sterling precedent of the restaurant smoking ban and how happy everyone is that we did that, especially the owners. If I recall, those of us who were here for the debate, the premise was to protect the health of workers. I worked in restaurants for many years. I sat in an emergency room one night after having worked an 18-hour shift and driven a knife through my hand behind another fella that had also worked a 20-hour shift and lost his watch in the Fryolator and absentmindedly reached in after it. We were behind a fella who got his sleeve caught in an automatic slicer and took three slices of his hand. None of us smoked. The issue of the health of restaurant workers or beano workers really is not about their health. It is really about whether or not we like smoking or not. If it is to be the policy of the State of Maine that we don't like smoking and we want to ban smoking, I would agree with the previous speech from my good friend from Biddeford, let's be honest about it and ban smoking. This is really a debate about values, whether or not our personal values are going to be projected on the people of the State of Maine in an outright ban or are we actually going to solve a problem. I would maintain before this body that we have already solved this problem. We solved this particular problem six years ago.

This is a different issue now. It is not a matter of solving a problem with smokers versus non-smokers in a beano hall. It is about whether or not we like smoking. Mr. Speaker, I would move Indefinite Postponement of this bill and accompanying papers and I would request a roll call when the vote is taken.

Representative DUNLAP of Old Town moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. The Representative from Old Town in addressing the history demonstrates the exact reason why I made reference to our experience with restaurants. Restaurants went through the same process of attempting to accommodate the smoking and non-smoking patrons by having non-smoking areas and installing very expensive equipment.

The fact of the matter is that testing the outcome and the effectiveness of this equipment demonstrated that even the most expensive equipment does not provide sufficient protection to the effects of second-hand smoke. The experience in restaurants is, in fact, a predictor of what would likely happen in beano halls. You have a lot of people who are not going to beano halls because of second-hand smoke. We did hear testimony from people whose parents, particularly older people, stopped going to beano halls because of respiratory ailments. The prediction is beano halls would thrive even better if they had a smoke-free environment.

One point we cannot afford to ignore here, particularly in the face of the financial constraints that the state is facing, we have in our committee having to deal with huge Medicaid shortfalls. A most significant part of our contribution to the shortfall right now is the expanded Medicaid costs. These are folks who we are responsible for and whose illnesses, respiratory, cardiovascular and pulmonary are directly related to smoking. We, the taxpayers of Maine are paying the bill. It is not just a matter of values. It is a matter of economics as well. I submit that ignoring the problem is going to erode our financial resources.

I urge the membership, men and women of the House, to reject the motion for Indefinite Postponement. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I served on the Health and Human Services Committee when we passed this law. At the time I thought the law, and I still think the law that exists today is fair and balanced. I think that we have to be very careful where we are going here. I think the good Representative from Old Town, Representative Dunlap, was very eloquent on how he spoke about this issue.

I just want to give you an example, I have many friends who smoke. They enjoy beano. They go and they play beano. Their complaint is the people who are non-smokers come and sit in the smoking section and they harass the people who are smokers. In the non-smoking section you can barely detect the odor of the cigarettes. When we had the non-smoking and the smoking section, I always sat in the non-smoking section, because I don't smoke. I very rarely ever detected the smoke in the smoking section. I just think that we have to be extremely careful here. I really think this is intolerant to smokers. I think it is society saying that I just cannot stand smokers, so let's get rid of it.

We have tried that before in years past and it didn't work. I think this is another situation where we should leave the law alone. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I was very proud to be the sponsor of this legislation. I was more proud because there were several mandatory cosponsors. In other words, this legislation had broad support and many people who wanted to introduce the same legislation from the beginning. Those mandatory cosponsors included the good Representative from Rumford, Representative Patrick and the good Representative from Cape Elizabeth, Representative McLaughlin. While I would agree that the Representative from Old Town was very eloquent, the law that he refers to regarding separate smoking and non-smoking areas in bingo halls is permissive only. It does not require a separate non-smoking area.

My constituents and other constituents who live either in either small towns or even in bigger cities like Augusta don't have a choice. All the beano halls in those areas are smoking only. There are no non-smoking areas. This bill is very different from dealing with foster homes. We are dealing with public places. We have a duty in this body to protect the public health of Maine citizens. That is to prohibit smoking in public places, including bingo and beano halls.

I would ask, Mr. Speaker, if the Clerk would read the committee report.

Representative **COWGER** of Hallowell **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **LORING**: Mr. Speaker, Men and Women of the House. The Penobscot Nation is against this bill. Indian high stakes bingo is included in the bill the way that it is written. I would like to point out that Indian high stakes bingo does not fall into the same category as regular non-profit bingos. The Penobscot Nation pays the State of Maine a fee of \$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 made provisions for non-smokers at our facility. We have invested \$1 million in an air exchange smoke removal system and are currently upgrading that system. We have separate smoking and non-smoking areas. Eighty percent of our customers arrive by bus with an average of 50 or 60 bus tours on a weekend. This influx of people from Canada and throughout New England boost the local economies as well. We purchase 600 to 700 hotel rooms in the bingo area. This includes Old Town, Orono, Bangor and Brewer. Our customers not only play bingo, but shop at local malls and eat at local restaurants. We estimate that approximately 75 percent of them 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 tribal economy as well as the local economies.

The Penobscot Nation depends on the income generated from the high-stakes bingo to help with the cost of tribal government services. At a time when the economy is in trouble throughout the state, it is crucial that we maintain whatever economic resources we have. I ask you not to take this resource away from our area. This should be a decision that the tribe makes on its own as well as organizations make on their own. I urge you to support the Indefinite Postponement of this bill. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Ladies and Gentlemen of the House. Lest you think I am proponent of smoking, I gotta tell you that I quit smoking farther back in years than half of you were alive. I am in no way a proponent of smoking. I am a great proponent of freedom. Most of the legislation that was passed to create a non-smoking society only gave choices to the people who wanted to ban smoking. There is no where that I know that any restaurant, for instance, has been allowed to stay open as a smoking restaurant because people think that they have a right to go anywhere they want to and they do, but they have to make a choice if they are putting themselves in the conditions that they don't like, then they should stay out. I don't like smoking in a restaurant because it bothers me. It doesn't smell good. There is nothing good about it, but I certainly would like to entitle anybody who wants to start a restaurant and make it a smoking restaurant to rise and fall on that particular thing. If they can find customers enough out there who want to go to their restaurant and smoke up a storm, then more power to them. It applies exactly to this bill on bingo halls. If there are people who want to start a bingo hall and have it all non-smoking, wonderful. The people who want to have a smoking bingo hall should be allowed to do it. The people who are going to go to them should make the choice between the two. Thank you.

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

Representative **PATRICK**: Mr. Speaker, Men and Women of the House. I am a little ill prepared. I thought this wasn't going to be taken up today. I am going to have to kind of wing it. I am rising in opposition to the Indefinite Postponement. First of all, I would like to start with I sponsored LD 191 in the 120th Legislature. The good thing about it is the good former Representative from Sanford Indefinitely Postponed that so we never had a chance to really debate the full merits of the bill. Not having as much experience with the rules of order, the bill went down to Indefinite Postponement and ended up failing.

I got involved in bingo in 1971 as a player and as a committee person at one or two of the local nonprofits. Over the years I have had many, many experiences with smoking bingos. Probably the only thing that was less smoky than that was the beer joints and off-track betting parlors where the smoke is probably down to your chest high and in bingo parlors a lot of times gets down to head high. I have heard from several of our colleagues that this is just about smoking. I am involved with it because several of the non-profits that I belong to became the first one in the State of Maine to ban smoking in their bingo hall. We had to face the same thing just like those that originally wanted to ban smoking in restaurants. We had to take a look at the consequences. Are we going to lose business? Are we going to lose customers? Why were they deciding to do it in Rumford? It was because of the health of the volunteers at the bingos and the health of the players that didn't smoke.

We have 10 to 12 volunteers at each of our bingos. We are very fortunate. Over the years that has dwindled because of smoking because a lot of them couldn't stand the smoking. I believe there was testimony at the committee that one non-profit was having problems getting volunteers because of the smokers.

The financial impact of being the first bingo in the State of Maine, in my belief, lasted for two weeks. We had a drop in about 10 players in bingo for about two weeks. After that, it picked up. The following week, on week three, it got back to normal. Week four and beyond, business improved. There was a short dip, but business improved. We now continue to have

more people to play our bingos because of the non-smoking. Many people thanked us and told us they stayed away for years because they couldn't take the smoke. After we finally went and showed that it was profitable, another club in Rumford went non-smoking, then another club and another club and now all the bingos in Rumford are non-smoking.

When you say, why do I have an axe to grind, well, I am actually here for the protection of all those bingos throughout the state for the benefit of their people. I have some statistics written down and basically it is through all of our medical studies we know that three-quarters of all deaths and one-third of all disabilities are due to four chronic and mostly preventable diseases and they are cardiovascular disease, heart disease, stroke, cancer, chronic lung disease and diabetes. These diseases are considered most preventable because they are linked with three behaviors, poor nutrition, physical inactivity and tobacco use.

Tobacco kills seven Maine people every day. In costs the State of Maine \$5 million per week in direct medical expenses. There are also many other types of health related conditions caused by smoking, like bladder cancer, kidney cancer, voice box cancer, brain cancer, mouth cancer, throat cancer, lung cancer, emphysema, bronchitis are but a few of the many adverse affects of smoking. I am going to give you the statistics because this was written two years ago. At that time in over my 28 years experience in bingo, seven people died every day, which meant that 49 people died for a week, 210 died per month, 2,555 died per year and 51,540 died as of 2000. That is just a few thousand less than all the people that died in the Vietnam War. They died because of all the adverse affects of cigarette smoking. Probably half of them didn't realize how adverse cigarette smoking is, but like the good Representative from Bangor said, this is a new century and we know the difference. We know that a gun can't kill you. We do know that if you smoke cigarettes, you stand a good chance of dying or developing some chronic disease.

One good Representative spoke that she was worried that this was going to affect her bingo. I empathize with her for that, but I know out of the seven bingos we have in the Rumford area, none of them have lost money. The only time you are going to lose money at a Bingo is if most of your players are probably on average of 60 years old, if they die off and are not replaced by younger players.

I am in hope that you will at least vote not to Indefinitely Postpone this and let us go through the whole cycle of the bill. Many bills we will debate for hour upon hour and stuff and this is one is one of them that I am urging you to not Indefinitely Postpone so we have a chance to let this bill go through. I would urge you to support the bill and ban smoking for the benefit of the health of the people of the State of Maine. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Ladies and Gentlemen of the House. This is nothing but an anti-business bill. Someone made a statement that if they stop the smoking, then business will pick up. I think we should let the owners of these businesses decide whether they are going to have smoking or non-smoking. We can't be the caretakers of the businesses of this state like we have been trying to forever. Thank you.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. We have had testimony from many successful bingo and beano halls that have gone non-smoking. That seems to be a fact. We have had a minimalization of the

health affects of secondary smoke. Ask yourself, why do all the federal public buildings, airports, Maine restaurants and this State House have all non-smoking? Why is that? It is because of the ill effects of smoking. This bill only applies to bingo and beano halls where the public is invited. Private clubs are not included. There is a great respect for privacy of individuals and of organizations. I urge that you defeat the current motion and go on to pass the bill.

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

Representative **WALCOTT**: Mr. Speaker, Men and Women of the House. The previous speaker, the Representative from Rumford, Representative Patrick, made some very good points. The only thing I would add is that he mentioned that there were seven people in the State of Maine that died each day from the effects of cigarette smoking. One of those seven, each day that dies, never smoked. Their causes were from second-hand smoke. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 50**

YEA - Austin, Bennett, Berry, Blanchette, Bowen, Bowles, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Cummings, Daigle, Duprey B, Fletcher, Glynn, Heidrich, Honey, Hotham, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Ketterer, Landry, Ledwin, Lemoine, Maietta, McGlocklin, McKenney, Millett, Moore, Muse, Nutting, O'Brien J, O'Brien L, Rector, Richardson M, Rines, Rogers, Rosen, Sherman, Snowe-Mello, Sykes, Tardy, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Watson, Wotton, Young.

NAY - Adams, Andrews, Annis, Barstow, Bliss, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Canavan, Cowger, Craven, Curley, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Greeley, Grose, Hatch, Hutton, Kane, Koffman, Laverriere-Boucher, Lerman, Lessard, Lewin, Lundeen, Mailhot, Makas, Marley, Marraché, McCormick, McKee, McLaughlin, McNeil, Mills S, Moody, Murphy, Norbert, Norton, O'Neil, Paradis, Patrick, Peavey-Haskell, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Stone, Sukeforth, Sullivan, Suslovic, Thompson, Twomey, Usher, Walcott, Wheeler, Mr. Speaker.

ABSENT - Ash, Berube, Bierman, Bunker, Davis, Dugay, Goodwin, Jackson, McGowan, Mills J, Pellon, Woodbury.

Yes, 61; No, 78; Absent, 12; Excused, 0.

61 having voted in the affirmative and 78 voted in the negative, with 12 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative **DUNLAP** of Old Town moved that the House **RECONSIDER** its action whereby the motion to **RECONSIDER** whereby the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

The same Representative moved that the Bill be **TABLED** until later in today's session pending his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

Subsequently, the same Representative **WITHDREW** his motion to **TABLE**.

Subsequently, the same Representative **WITHDREW** his motion to **RECONSIDER** whereby the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Subsequently, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

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

**SENATE PAPERS  
Non-Concurrent Matter**

Bill "An Act To Reapportion the Districts for Representatives to the United States Congress"

(H.P. 1139) (L.D. 1556)

**PASSED TO BE ENGROSSED** in the House on April 10, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-47)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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

The following Joint Order: (S.P. 548)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Monday, May 5, 2003, at 11:00 in the morning.

Came from the Senate, **READ** and **PASSED**.  
**READ** and **PASSED** in concurrence.

**ENACTORS  
Acts**

An Act To Reapportion the Districts for Representatives to the United States Congress

(H.P. 1139) (L.D. 1556)  
(S. "B" S-47)

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

On motion of Representative **BRUNO** of Raymond, was **SET ASIDE**.

The Chair ordered a division on **PASSAGE TO BE ENACTED**.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. This is just a clarification to the Republican Caucus. Please follow my light on this. This is a redistricting plan that has been agreed to. We need to send a message so just please follow my light. We don't want to pass this under the hammer. Thank you.

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

A vote of the House was taken. 72 voted in favor of the same and 46 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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