

MAINE STATE LEGISLATURE

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Pages 1-776

which also was a reflection of the report of the committee. Thank you Mr. Speaker.

Subsequently, **House Amendment "A" (H-461) to Committee Amendment "A" (H-389) was ADOPTED.**

Committee Amendment "A" (H-389) as Amended by House Amendment "A" (H-461) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-389) as Amended by House Amendment "A" (H-461) thereto and sent for concurrence.**

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

An Act to Ban Smoking in Beano and Bingo Halls
(H.P. 186) (L.D. 227)
(H. "B" H-309)

TABLED - May 16, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative DAIGLE of Arundel, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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 rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "B" (H-309) was ADOPTED.**

The same Representative **PRESENTED House Amendment "B" (H-483) to House Amendment "B" (H-309) which was READ** by the Clerk.

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

Representative DAIGLE: Mr. Speaker, Men and Women of the House. The position of this current piece of legislation is that we are prohibiting smoking in bingo and beano halls with the exception of those run by the Native American Tribes. I am not contesting that matter, but what I am proposing in House Amendment "B" (H-483) is a simple amendment recognizing a couple of basic principles. I believe that when we adopted the earlier amendment, we recognized two basic things. One, the concept of sovereignty between the Native American Tribes and the second, the financial importance of their particular operation and why they needed that freedom to operate as they feel fit.

My amendment would continue this exemption by adding the language or by a nonprofit organization staffed solely by volunteers. Referring back to that earlier principle of financial need, bingo and beano games, which are sponsored by many of our nonprofit organizations staffed by volunteers also because there are certain financial needs. They are doing this not to enjoy themselves particularly, I'm talking about the organizations that run them, but because they are trying to raise money, just as the Native American Tribes wish to raise money for their needs. These organizations use their money to finance food pantries, to help victims of a fire, flood or a natural disaster. They support medical programs. They buy Christmas gifts for needy children and financial scholarships for some of our most needy citizens who are trying to advance their higher education. I believe these are also very important financial needs. I think they are equally important to anything else that we are willing to give an

exemption or special status here in the House. Further, on the issue of sovereignty, when everybody participating is volunteering to be there, I believe that is a sovereignty issue also. If you have consenting adults, volunteering to go to that place where there may or may not be smoking, there is no compelling reason to tell them that that is a practice they can. As long as cigarettes are legal and they wish to be there, so be it. I do agree that it is a different matter when you have employees who are involuntarily assigned to expose themselves that way. I agree with that. My exemption provides a mechanism. I do not wish to see the nonprofit organizations raising money for this important charity work to find their ability to do so to be limited unnecessarily. I encourage your support of this very simple amendment recognizing that individual freedom is an important need for these organizations, be it VFW, American Legion, church organizations or whatever, to choose for themselves whether or not to have bingo games where smoking may be allowed. Thank you.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. The practical effect of House Amendment "B" is to indefinitely Postpone the bill. No one would be left out of this amendment, because how many of these beano and bingo halls exist that do not fall under this umbrella. Some years ago in this chamber we had a very lengthy debate over whether or not we were going to prohibit smoking in restaurants. I spoke against that bill. It was overwhelmingly thumped. A couple of years later the bill came back. I spoke against it again and that time I was overwhelmingly thumped. I think the point is that the tide has more or less turned on the issue of smoking in public places like restaurants and beano halls. I still am opposed to the restaurant smoking ban because I feel it is a matter of proprietary choice. I have spoken against this bill. However, the Committee on Health and Human Services and this body have entertained my concerns with not only good humor, but with great forthrightness. I am willing to accept half a loaf in the bill as it is currently before us without House Amendment "B." It serves my district well as it is written. Is it as far as I would like to go? Probably not, but out of respect for this body, I think that we should leave the bill as it currently stands. With that Mr. Speaker, with great respect for my good friend from Arundel, Representative Daigle, I would move Indefinite Postponement of House Amendment "B."

Representative DUNLAP of Old Town moved that **House Amendment "B" (H-483) to House Amendment "B" (H-309) be INDEFINITELY POSTPONED.**

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

Representative COWGER: Mr. Speaker, Men and Women of the House. I hope you will join me in supporting my good friend from Old Town and support the pending motion of Indefinite Postponement. I just want to briefly remind the members of the body that this original bill received strong bipartisan support from the committee and also received a strong bipartisan vote of this chamber on the original bill. As you have heard, we have added one amendment to accommodate a very narrow exemption for high-stakes bingo to help support the revenue to our Native American Tribes. While I didn't support that amendment, I think it is appropriate and it does reflect the desires of this body. The concern is not for the workers in these halls. The concern is for people attending and playing beano and bingo. If we want to protect the people attending these games in a bipartisan fashion, I would urge you to support the pending motion. Mr. Speaker, when the vote is taken, I would request a roll call.

Representative COWGER of Hallowell **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-483) to House Amendment "B" (H-309)**.

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 Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I am responding to my good friend from Hallowell, Representative Cowger. I understand his point that the bill has been amended already to say that the motive of raising profits for one particular group is important. I just remind the body that raising profits for one group, I do not feel is any more important, I think it is less important, than raising charity for the most needy citizens in our state. I urge you to vote against the pending motion. Thank you.

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

Representative **PATRICK**: Mr. Speaker, Men and Women of the House. I just would like to touch briefly on the aspect of profits for nonprofits. I will once again reiterate in Oxford County, Rumford was the first town to go nonsmoking. Did that hurt our profits? For two weeks it dropped them about 10 percent. The third week it came back to even and the fourth week we are now making 10 or 15 percent more in a situation where we were the only nonsmoking bingo. Every other bingo shortly followed suit and they are making money. If all nonprofits in the state go nonsmoking, there will be more nonsmokers attending all bingos, increasing the profits that nonprofits are now getting, which will help all nonprofits to do more good things. Thank you Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-483) to House Amendment "B" (H-309). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 138

YEA - Adams, Annis, Barstow, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Davis, Dudley, Dunlap, Duplessie, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Hutton, Jackson, Jacobsen, Jennings, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lerman, Lessard, Lundeen, Makas, Marley, Marraché, McCormick, McGlocklin, McKee, McLaughlin, McNeil, Mills J, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Rines, Sampson, Saviello, Simpson, Smith W, Sullivan, Thomas, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Duprey B, Duprey G, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jodrey, Joy, Kaelin, Lemoine, Lewin, McKenney, Millett, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson M, Rogers, Rosen, Sherman, Snowe-Mello, Stone, Sukeforth, Sykes, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Ash, Carr, Churchill E, Dugay, Eder, Kane, Maietta, Mailhot, McGowan, Mills S, Moore, Pellon, Richardson E, Shields, Smith N, Suslovic, Tardy, Tobin D.

Yes, 78; No, 55; Absent, 18; Excused, 0.

78 having voted in the affirmative and 55 voted in the negative, with 18 being absent, and accordingly **House**

Amendment "B" (H-483) to House Amendment "B" (H-309) was INDEFINITELY POSTPONED.

Subsequently, **House Amendment "B" (H-309) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-309).**

Representative Kaelin of Winterport **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. 139

YEA - Adams, Annis, Barstow, Berube, Blanchette, Bliss, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Canavan, Clark, Collins, Cowger, Craven, Crosthwaite, Cummings, Davis, Dudley, Dunlap, Duplessie, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Goodwin, Grose, Hatch, Hotham, Hutton, Jackson, Jacobsen, Jennings, Koffman, Landry, Laverriere-Boucher, Ledwin, Lerman, Lessard, Makas, Marley, Marraché, McCormick, McKee, McKenney, McLaughlin, McNeil, Mills J, Moody, Murphy, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Austin, Bennett, Berry, Bierman, Bowen, Bowles, Bryant-Deschenes, Campbell, Churchill J, Clough, Courtney, Cressey, Curley, Daigle, Duprey B, Duprey G, Fletcher, Glynn, Greeley, Heidrich, Honey, Jodrey, Joy, Kaelin, Ketterer, Lewin, Lundeen, McGlocklin, Millett, Nutting, Peavey-Haskell, Rector, Richardson M, Rines, Rogers, Rosen, Sherman, Snowe-Mello, Stone, Sukeforth, Sykes, Thomas, Tobin J, Trahan, Treadwell, Vaughan, Young.

ABSENT - Ash, Carr, Churchill E, Dugay, Kane, Lemoine, Maietta, Mailhot, McGowan, Mills S, Moore, Pellon, Richardson E, Tardy, Tobin D.

Yes, 88; No, 48; Absent, 15; Excused, 0.

88 having voted in the affirmative and 48 voted in the negative, with 15 being absent, 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.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Require That Residential Customers Be Given Contracts for Utility Line Extensions"

(H.P. 275) (L.D. 355)

Signed:

Senators:

HALL of Lincoln

BROMLEY of Cumberland

YOUNGBLOOD of Penobscot

Representatives: