

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

**House of Representatives**  
May 17, 1993 to July 14, 1993

we can go on to pass this bill.

Representative Whitcomb of Waldo requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I don't want to prolong this discussion but I want to make it clear to you that it is not a Constitutional Amendment that the voters will be voting on, it is an Initiated Act in the Fall.

If you are looking for government reform, we do not believe that this is government reform. I need to reemphasize logic. Logic is, that yes, I believe and that is why I signed on to the Minority Report, that the voters of this state under the present circumstances will be voting to limit legislators terms to four terms. Logic is, if you enter this body as a first term legislator, then you will probably not be holding a position of leadership either as a presiding officer or floor leader. Then, there would only be three terms left for you. I only base this argument on the decision of the justices that came to us long after the committee received this bill. The times have changed since the introduction of this piece of legislation in February. The times have changed since March 1 when the committee heard this piece of legislation and because of this new information, it was the feeling of those of us that presiding officers as well as others, terms should not be limited because I believe that the people of this state, the voters of the state, will in fact vote for the Initiated Act, the act that was initiated with more than 90,000 signatures.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would again like to emphasize that each and every piece of legislation that comes into this body should be judged in its own merit. It should not be linked to something that has not happened yet. I cannot and will not assume how the people of this state are going to vote on the Initiated Petition that has been put before us. I think that it is a cop-out to say we don't have to do this because people are going to do it. We don't know what they are going to do. We have a job to do here, now, today. Our job is to make a decision on this piece of legislation and I do believe that we should take everything else out of it and just look at this bill and decide within your heart if that is what you want to support or not.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 122

YEA - Ahearne, Aliberti, Chonko, Daggett, Driscoll, Erwin, Faircloth, Gean, Hatch, Holt, Jacques, Jalbert, Johnson, Joseph, Marsh, Melendy, Michaud, Mitchell, J.; O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pouliot, Rand, Rotondi, Rydell, Saxl, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Townsend, G.; Townsend, L.; Wentworth.

NAY - Adams, Aikman, Anderson, Barth, Beam, Bennett, Birney, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carroll, Cashman, Chase, Clark, Clement, Cloutier, Clukey, Coffman, Cote, Cross, Dexter, DiPietro, Donnelly, Dore, Dutremble, L.; Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gamache, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hale, Hillock, Hogle, Hussey, Joy, Kerr, Ketterer, Kilkelly, Kneeland, Kontos, Kutasi, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marshall, Michael, Mitchell, E.; Murphy, Nadeau, Nash, Nickerson, Norton, Pendexter, Pendleton, Pinette, Plourde, Plowman, Poulin, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rowe, Saint Onge, Simonds, Simoneau, Small, Spear, Stevens, A.; Taylor, Thompson, Townsend, E.; Tracy, Treat, True, Tufts, Vigue, Walker, Whitcomb, Winn, Young, Zirnkilton.

ABSENT - Ault, Bailey, H.; Bailey, R.; Carr, Cathcart, Coles, Constantine, Heeschen, Heino, Hichborn, Larrivee, Martin, H.; Morrison, Ott, Ruhlin, Tardy, The Speaker.

Yes, 36; No, 98; Absent, 17; Paired, 0; Excused, 0.

36 having voted in the affirmative and 98 in the negative with 17 being absent, the Minority "Ought Not to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-141) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-141) in concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-364) - Minority (3) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act Imposing Term Limits on Legislative Leadership Positions" (H.P. 546) (L.D. 742)

TABLED - May 20, 1993 by Representative JOSEPH of Waterville.

PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I would simply want to point out what it is we are voting on and what is in the Committee Amendment to L.D. 742.

The Committee Amendment to L.D. 742 would essentially do the same to the Majority Leader, Minority Leader and the assistant Majority and Minority leaders as the last bill did to the Senate President and the Speaker. It would limit

individuals serving in those positions to three consecutive legislative bienniums and it would exclude service prior to December 2, 1992.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 85 in the negative, the Minority "Ought Not to Pass" Report was not accepted.

Subsequently, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-364) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-364) and sent up for concurrence.

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The Chair laid before the House the fifth item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-367) - Minority (1) "Ought Not to Pass" - Committee on Business Legislation on Bill "An Act to Centralize Licensing for Retail Businesses" (H.P. 399) (L.D. 512) TABLED - May 20, 1993 by Representative WHITCOMB of Waldo.

PENDING - Motion of Representative HOGLUND of Portland to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Hوجلund of Portland that the House accept the Majority "Ought to Pass" as amended Report and later today assigned.

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The Chair laid before the House the sixth item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-375) - Committee on Legal Affairs on Bill "An Act to Protect Children from Illegal Tobacco Sales" (H.P. 554) (L.D. 750) TABLED - May 20, 1993 by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I think this major piece of legislation is going to raise in the House today a critical issue, not dealing as the Joe Campbell pamphlet says in a Surgeon General's warning about quitting smoking, reducing serious risk to health, but instead dealing with the issue of how do we help and encourage in the real world and slow down smoking

getting started.

I will cut right to the heart of the matter. This bill provides for a \$5 and five minute license for purveyors for sellers of cigarettes. For those sellers who have \$100,000 gross profit, the license fee is \$50 — \$100,000 in gross profit from cigarettes, that is 20,000 cartons. The retail seller of cigarettes makes about \$5 per carton but \$100,000 worth of gross profits is needed. In fact, I talked to a seller of cigarettes who thought he was eligible for the \$50 fee, he sold 5,000 cartons in a good year. He had to increase his sales four times to be eligible for the \$50 fee. It protects the legal and supported vendors who do not wish to disobey or break the law that is now in place. It enables them to deal with vendors who do break the laws.

The facts are that 95 percent of all smokers in Maine begin smoking before they are 18, begin smoking when it is technically illegal to obtain cigarettes, 95 percent. Five thousand young people will learn to smoke in Maine this year and every year unless we develop effective enforcement on this issue. Of those 5,000 young people who begin smoking, 1,700 will die premature deaths before they ought to have died because of their smoking, 1,700 young people in Maine. We can cut that in half. We cannot cut it entirely. We all know that many young people will obtain cigarettes that really want to obtain them, but we can cut it in half and that is the reason this bill is before you.

Young people obtain cigarettes by buying them, not by stealing them, but by buying them. Over half the retailers in Maine sell cigarettes to people under 18. That is true across the country. The Signor Amendment will start to deny to states ten percent of their substance abuse block grant money beginning next year for those who do not have enforcement mechanisms in place. This is the kind of enforcement mechanism that will work and will certainly qualify for the Signor Amendment. We lose a half a million next year and the same amount for the next four years if there is no enforcement in place. I tend not to like that way of doing public policy because it is a club approach but you need to know that fact.

Sales to minors of Camel cigarettes rose from \$6 million to \$476 million in three years from 1987 to 1990. Camel cigarettes went from being the so-called World War II veteran cigarette, smoked by less than one percent of the market of young people, to something over a third of the market of young people because of the effectiveness of the Joe Camel campaign. Kids know Joe Camel better than they know Mickey Mouse. The identity is higher and of course particularly high in the 11, 12, 13, 14 year old period, not up in the 17 and 18 years of age period.

The tobacco institute said no linkage has been proven between advertising and the consumption of cigarettes, a most amazing statement that I have seen in recent times.

The market went from \$6 million to \$476 million, from 1 percent to in excess of 30 percent.

The usual solutions, clearly not working — education, some would say. The instructor in the Gardiner High School for the cessation of smoking seminar said the kids absolutely turn off from those classes when they are sent to them because they have been caught smoking on campus. There is no impact from education. Kids learn from what their peers and