

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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you give them three dollars and go on your way. That happens many many times. You can always find one somewhere that will inspect a vehicle with a broken window or something of this sort.

I have a nephew who is a policeman in a state that doesn't have any inspection at all, and I have discussed this several times with him, and he feels that in their state that their are better off without it.

So if we have one we are at least compromising, and I would hope that you would pass this Bill. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Bustin, Carpenter, Charrette, Dutremble, Erwin, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Perkins, Pray, Sewall, Shute, Teague, Violette.

NAY—Brown, Clark, Collins, Danton, Diamond, Dow, Emerson, Gill, Pearson, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Redmond.

A Roll Call was had.

18 Senators having voted in the affirmative and 14 Senators in the negative, with 1 Senator being absent, the Bill was Passed to be Engrossed.

Sent down for concurrence.

The President requested the Sergeant-at-Arms to escort the Senator from Knox, Senator Collins to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins to the rostrum where he served as President Pro-Tem.

The President then retired from the Senate Chamber.

Senate — as Amended

BILL, "An Act to Increase the Fees and Expenses for Medical Examiners" (S. P. 254) (L. D. 799)

BILL, "An Act to Reinstate the Large Print Book Program at the Maine State Library" (S. P. 296) (L. D. 911)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

BILL, "An Act to Include the Term "Sexual or Affective Orientation" in the Maine Human Rights Act" (S. P. 237) (L. D. 679)

Which was Read a Second Time.

On motion by Senator Danton of York the Senate voted to Reconsider its action whereby Committee Amendment "A" was Adopted.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, for the Committee on Bills in their Second Reading, I offer Senate Amendment "A" to Committee Amendment "A" to L. D. 679 (S-123) and move its Adoption.

The PRESIDENT PRO-TEM: The Senator from York, Senator Danton offers Senate Amendment "A" (S-123) to L. D. 679 and moves its Adoption.

Senate Amendment "A" (S-123) to Committee Amendment "A" was Read and Adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was Adopted.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, this Bill is a Bill that has been before this Body for several years now. I was delighted to be sitting in the Assistant Majority Floor Leader's seat this morning to see all the Members of this Body allow this Bill to be given its First Reading and I don't think it

hurt anyone one bit, because this Bill doesn't do anything. It does absolutely nothing, but gives the same rights to the gay community of this State that's enjoyed by each and everyone of us in this Chamber today.

It's clearly and descriptively a Bill that does away with discrimination with respect to housing, employment and credit. It does absolutely nothing to promote homosexuality. I know this Bill would have gone under the hammer again this afternoon if I had not risen to speak on this Bill, but, I'm going to give you all a chance to express your views to vote the way you want to vote, and not just let this thing go down to the other Body, and let it meet whatever fate it's going to meet.

I stood in this Chamber, and in the other Chamber years ago, when we passed the Maine Human Rights Act. When we said we couldn't discriminate on creed, on religion, on color, on sex, every other thing we could think of that everybody should enjoy the same luxuries that this Constitution allegedly provided for all citizens that: we should be able to worship the way that we want, we should be able to join organizations that we want, but we found that wasn't the case. We found out that blacks, for example, were not allowed to join, the so-called, "animal kingdom groups" the Elks, the Moose, and so forth. The Maine Human Rights Act took care of that.

I was a member of the Portland City Council I remember several years ago, and that's one of the reasons I speak here today, because I can't remain silent. I recall one of the most prominent clubs that we have in the city of Portland, discriminated against those who were of the Jewish faith. Those of the Jewish faith were not allowed membership, they were allowed to come in as guests. They couldn't pay, or they couldn't purchase their membership like everyone else did. It was amazing to me when their application for a liquor license came before the Portland City Council and the City Council denied that application based on discrimination of the Maine Human Rights Act. The shocking thing was that the membership of that club had voted and it took two-thirds vote to overturn any of their bylaws. They voted two-thirds before the Council met that night; two-thirds not to change their bylaws, not in favor of reversing them. The Council denied the application. You know, within two weeks time, the Executive Board met and they, also, had it within their bylaws that the Executive Board could meet and change any bylaws with a simple majority. It was done overnight. The amazing thing to me was that two weeks later, just two weeks later, when one of our prominent fraternal groups came in, wanted their application approved, and I got up and moved it to be tabled, because it discriminated against blacks. It wasn't the membership of that group whose fault it was, it was the preamble that was written into that organization back in the early eighteen hundreds, and little did they have control over that preamble. You know the amazing thing was the Council voted seven to two to grant their application, because nobody cared about blacks, what the heck they're just a small group. The funny thing was, it went almost all the way to the United States Supreme Court. In fact, it went to the Court of the Attorney General Jim Erwin in those days, and the court ruled that we're right. We were right. So they had to get an exemption from the Grant Lodge that allowed them to comply with Maine Law.

I think that's exactly what we're talking about here today. Any type of discrimination or bias, whatsoever, that is harbored by any of us is wrong and we all know it. Each of us know it. I've said that, as a kid my parents brought me up, and there's still some virtues that I thought were pretty good, in fact, I use to learn them in Baltimore Catachism, number two. They taught me against bias, against bigotry, against prejudice. I was fortunate, I guess, that

those things rubbed in on me. I always felt that those were the same virtues that I tried to instill within the twelve children that I have raised.

I think one of the things that I remember most was a few years ago, I was in a meeting and someone told the following story: This young father was sitting around with his five-year-old child on a Sunday morning, as he did every Sunday morning, sort of a time of leisure for him, and he had the New York Times in front of him. He was trying to read the paper and his five-year-old son or six-year-old, sort of continued to be around him and prevent him from enjoying the few moments he had to get through this voluminous newspaper. All of a sudden he spotted the pictorial section within the Times and he sort of glanced through it, and he remembered seeing in the centerfold a big picture of a globe. The globe of the world, and he thought very rapidly and he took that out of the New York Times and he tore it up into as many pieces as he could and he carried it off into a corner and he said to his son, "I'm going to lay this out on the floor for you," and he says, "when you get that puzzle put back together again," he says, "come over and let me know."

The father sat in the chair for a little while, started to pick up the paper and getting into it again and all of a sudden his son tapped him on his knee. He says, looked at him bewilderingly, and he said "what is it, son?" "Dad" he says, "I've got the puzzle altogether." His father couldn't believe it, he was amazed. He got up and sure enough he went to the corner where he had it laid out. Sure enough every piece was perfect, matched, fitted just as it was before he tore it up. He looked at his son, he said, "my lord" he says, "how in God's name were you able to put that together, so quickly?" The son looked at his father and he said, "dad," he says, "I found out," he says, "on the back of that atlas" he says, "there was a picture of a man and I found out that when I made the man right, I made the world right." The only way we're going to make this State right is to eliminate any type of bias, any type of discrimination that we have.

Mr. President, when the vote is taken on the Engrossment of this Bill, I request it to be taken by the Yeas and Nays.

The PRESIDENT Pro-Tem: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a roll call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

Senator HAYES: Members of the Maine State Senate, the present Bill, L.D. 679 which would deny discrimination on the basis of a sexual preference under the Maine Human Rights Act, has resulted in heated debates, session after session. I frankly find it difficult to understand why any specific group, women, blacks, Indians, Chinese, gays, straights, the young or the old should be denied their human rights. Unfortunately, there are both personal and social fears of homosexuality concerns of our own sexual identity and specters of socially taboo behavior.

The Bill before us does not require that homosexuality be condoned, but simply states one's sexual preference shall not be used as a basis of discrimination. In fact, the content of this Bill is much less troublesome than the twisted values of those who oppose it.

Last week the Members of the Maine State Senate received from Reverend Herman "Buddy" Frankland a letter attacking degenerates, deviates, perverts and others, castigating the immoral drags of society who support the

Human Rights Campaign Fund, degrading the Committee process that gave this Bill careful review and debasing the political party system, and the good people who have chosen to serve this State in the Legislature. This letter from Reverend Frankland is a vehicle of hatred not understanding, intolerance rather than reason, and the debasement not the enrichment of the values we espoused as members of a free society.

As many of you, I have received a number of letters from voters opposing L.D. 679 and these letters reflect clearly the discriminatory behavior that this Bill would seek to legally rectify.

For instance and I quote, "I feel passage of this Bill should be voted against, because these people should not be allowed in positions that influence our children." Also, "landlords should be allowed to choose whether to allow a person who practices in wrongful activities to be a tenant or not." Still another, "I oppose, because no citizen would be permitted to keep homosexuals out of his apartment house, out of his business, or out of his children's school." And finally, "I'd like to explain my opposition to Bill L.D. 679, the lesbian-homosexual Bill. "I think the implications are obvious. One very important being, we would have no control over who teaches in our schools." The underlined themes of these letters reflect economic and social discrimination. The landlord would discriminate against the tenant because of personal sexual preference. The citizen would drive a teacher from the classroom regardless of performance, and the employer who would deny employment opportunities regardless of how well the job was being done. How unfortunate it is we should try to imprint our personal affectional values on those of our fellow citizens. How debasing to see the obvious results of such prejudice.

The demagoguery of Jim Jones, Jerry Falwell, Buddy Frankland and Elmer Gantry do not enhance the clear message of Judeo-Christian faith, that of love, compassion and concern for the weak, the needy and the less fortunate. In my estimation, there are few things more contradictory, self-serving or simplistic than referencing hate and intolerance in the Holy Bible.

The narrow vision of the Moral Majority, the intolerance and prejudice advocated by Reverend Frankland does a disservice to each and everyone of us, whether it is directed to homosexuals, women, Catholics, welfare recipients, Jews, Legislators, blacks or Indians. Those who oppose the Human Rights of others degrade the humanity in all of us. Many people live by building and enriching lives of others; however, a few wax fat by preying upon the fears, prejudice, and weakness of others. Reverend Frankland's bigotry and intolerance, playing upon the weakness of others, represents a vehicle for the forces of darkness: not light, preying upon the lost souls of our society.

Although it probably is not politically advantageous to vote for the inclusion of sexual preference in the Maine Human Rights Act, it does represent a clear action on behalf of a Legislature that does not support legal discrimination against any human being.

I strongly urge that the Maine Senate support L.D. 679. Thank you.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr President, Members of the Senate, believe it or not, I did not have any intention of speaking on this bill today but after it went through its First Reading this morning with the committee amendment, I was approached by fellow senators asking why I did not object.

Again, believe it or not, I did not debate this issue when it was before the Senate two years ago. Nor did I have to. The Senate in its wisdom defeated the bill without my getting vocally involved. I had hoped that we would repeat that

vote again this session and the hope still prevails. But with the insistence of some of my colleagues that we force the issue, on this Second reading, I rise to my feet to oppose the motion before us. In this bill we are being asked to place under the statutes of this state a standard which deals with behavior. Contrary to what the Senator from Cumberland has stated it has nothing to do with race, color, creed, sex or natural origin. The good Senator from Cumberland stated that it does absolutely nothing. If that's the case, why are we voting on it today?

I cannot judge my fellow man. His or her life style is their own business as long as it doesn't interfere with my living habits, nor those of my neighbor, or those of my family. But I feel that passage of L.D. 679 will be interpreted by the general public that the Legislature is favoring homosexual activity. This will not be the case but we have to take that into consideration when we vote on this matter. We're asking the Human Rights Commission to become the group in the state to carry the ball for enforcing the rights of a behavioral minority.

Homosexuality is wrong according to God's word in the Holy Bible, and I can give you several references from this book if you so desire to read them. To pass this bill will be telling the people of Maine, including our children, that even though it is morally wrong, we accept the fact that these people should have all the rights of people who are trying to live moral lives and by granting these rights we put our stamp or approval on their life style.

I think this is wrong, wrong. It's difficult enough in this day in which we live to make our children understand what they should do and what they shouldn't do to live clean moral lives and become assets to the community in which they live. Many of them live by example. What kind of examples do we give them when we pass laws such as this one before you this afternoon?

I could go on and on presenting arguments against passage of this bill but I'm sure that others will address the issue this afternoon and I know that you all have received letters and calls in opposition to L.D. 679.

Again, I ask you to seriously consider the ramifications if this bill becomes law. Thank you.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I've also, been here as long as this Bill has been before us and I have continued to vote against this type of Legislation. It's not because I have any hangups with people who have a preference of sexual activities or desires.

It's based primarily on that in my own Christian faith I was taught to believe that this was not the proper life-style. That our purpose in life, basically, was to love and respect our fellow man and women, and I think to fulfill one of the objects of life of reproducing our own kind.

A strong conviction that something must be done is apparent of many bad measures. In my personal, humble feelings this afternoon, this particular Bill fits that category. There shall be no one law or bill that will end discrimination in this City, in this County, in this State, or this Nation.

The analogy, I think, I'd like to use this afternoon in reference to this particular piece of legislation is an attempt to use a sledge hammer to kill a housefly, in swinging it it certainly is going to break the furniture, but you're going to miss the housefly.

I listened very attentively to the remarks made by a very respected friend of mind over the past seventeen years, our President, Member of the Senate, and I'm sure he feels he's justified, and I'm sure he respects my point of view that I feel justified in my position.

Also, I would like to bring out one point

which was not really relevant to this particular Bill, but to something that's very close to my heart. I happen to be one of those members belonging to an "animal kingdom group," known as the Lewiston Lodge of Elks. I've been in it twenty-seven years, and the one precept that we teach and we respect, is brotherly love; but times have changed, the socio-economic times have changed tremendously, and I think like any organization, we made adjustments with the changing times.

In reading the President's rebuttal that appeared in the Bangor Daily news, I found of interest the last particular paragraph. I'd like to quote from it: "It is time we opened our hearts and minds recognize the humiliation and unjust treatment. So blatantly evidenced in last week's Bangor Daily News to which our gay citizens had been subjected for so long. Toleration is good for all or it's good for none, after all, we're all God's children." The last sentence, to me, is of significant value. Yes, we are all God's children, but even God, as I was brought up in my Catholic faith, has categories and the three categories that I have been taught in my Religious belief was when we died we either enter the Kingdom of Heaven, if we were not that good on earth, will enter into purgatory and if we were not good at all, we would go straight to hell, and I say this sincerely.

I have known and have friends who are gay, who are lesbians and in discussing this matter with them, they're not the enchanted of having a statutory law that will change their particular posture in life. They feel that they are the same as you and I. We live under a multitude of laws in the State and Nation, and we adjust accordingly.

It's not in the best interest of society, and society, today, is extremely complexed to have special treatment for alledged special problems. We have many laws on the books that address many situations whether they are for alcoholics, for the mentally ill, for the handicap; but when you are dealing with a fact of such as this, I think that it is personal. I don't really believe the greatest majority of those people, in the State of Maine who work and are very highly productive people and are respected, are going to be discriminated against by their fellowman or by their employer, even if this particular Bill is passed or it is not. It's strictly a freedom of choice decision depending upon what the situation or what the circumstances are. Thank you very much, Mr. President.

The PRESIDENT Pro-Tem: A Roll Call has been ordered.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I would request permission to pair my vote with Senator Sewall, if Senator Sewall were here she would be voting Nay, and I would be voting Yea.

The PRESIDENT: The Senator from Cumberland, Senator Gill, requests Leave of the Senate to pair her vote with the gentelady from Lincoln, Senator Sewall. If she were here, she would be voting Nay and the Senator from Cumberland, Senator Gill would be voting Yea.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is Engrossment of L.D. 679.

A Yes vote will be in favor of Passage to be Engrossed.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Charette, Clark, Collins, Danton, Diamond, Dow, Hayes, Kany, McBreairty, Najarian, Trafton, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Carpenter, Dutremble, Emerson, Erwin, Hichens, Minkowsky, Pearson, Perkins, Pray, Shute, Teague, Twitchell.

ABSENT—Redmond.
 PAIRED—Gill-Sewall.
 A Roll Call was had.

18 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators Pairing their votes, and 1 Senator being absent, the motion that L.D. 679 be Passed to be Engrossed, Prevailed.

Sent down for concurrence.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley to the Rostrum where he may resume his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley to the Rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins to his seat on the floor of the Senate.

The PRESIDENT: The Chair wishes to commend the Senator from Knox, Senator Collins for his outstanding job as President Pro-Tem. (Applause the Members rising)

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House Joint Order

The Following Joint Order: (H. P. 1224)

ORDERED, the Senate concurring, that An Act to Revise the Composition of the Marine Resources Advisory Council (H. P. 1038) (L. D. 1363) be recalled from the Governor's desk to the House.

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Under Suspension of the Rules, on motion by Senator Pray of Penobscot, there being no objections, all items previously acted upon were sent forthwith.

Orders of the Day

The President laid before the Senate:

HOUSE REPORTS—from the Committee on Health and Institutional Services on BILL, "An Act to Prohibit Smoking in Indoor Public Waiting Areas" (H. P. 741) (L. D. 597)

Majority Report—Ought to Pass in New Draft under New Title, BILL, "An Act to Regulate Smoking in Public Buildings" (H. P. 1203) (L. D. 1597)

Minority Report—Ought Not to Pass.

Tabled—May 16, 1983 by Senator PRAY of Penobscot

Pending—Acceptance of Either Report.

(In House May 12, 1983 Majority Report Read and Accepted.)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I would like to move the Minority Report Ought Not to Pass.

The PRESIDENT: The Senator from Cumberland, Senator Gill moves that the Senate Accept the Minority Report Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would hope that you would defeat that motion and accept the Majority Ought to Pass Report. The report is there before you in today's journal and it will tell you who was on each side of that report.

All this Bill does is allow, or asks, for no smoking areas in waiting areas, for instance if you have been in a public meeting, or you've been in a public building and there's a recess and that room is closed and you need to be able to go out and get a breath of fresh air, whatever it is that you need to do. When the hall is en-

gulfed with smoke it is rather difficult to be able to catch a pure breath of air.

All that we are saying is would you please make an area where I can go out and have a clean breath of air while I am waiting for the meeting to begin again. That is all that this Bill is about. I would hope that you defeat the motion.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, if you look at LD 1597 which is the New Draft of this Bill, it doesn't ask for anything, it tells you specifically where you can and can't smoke. "Smoking is prohibited in publicly owned buildings, publicly leased buildings, except as follows, you may smoke in a designated smoking area." I would ask you to visualize what the third floor of the State is going to look like. Is the hallway a designated smoking area? If so are we going to have one sign on this end of the hall and another on the other end of the hall? Who owns the building? Who controls the building? Different agencies control the second floor, as opposed to the third floor, as opposed to the first floor, as opposed to each one of the committee rooms, as opposed to the waiting areas outside of the committee rooms.

I sincerely, honestly tried to put together language that would make this Bill work, something to the effect that the building could be declared a smoking area, that the entrance "this is a smoking building, you can smoke in the common areas of the building" I couldn't come up with any language that would make it work.

I would point out to you that it does fly in the face of legislation that we passed just two years ago. Public meetings where it was a unanimous consent things, this would say that even if it was unanimous in the particular hallway, if every member of the Legislature said, Yes, or to take it back if the members of the Legislative Council who I guess control the access and use of these hallways, if they all were unanimous they would allow smoking in the public areas of this building you'd still have to designate which areas were smoking and which areas were non smoking.

It's in my opinion a poorly drafted, or impossible to draft Bill, one that is going to be impossible to enforce. If you need to enforce it anyway, because there is no penalty for violating it, we are back into that situation again.

I would hope that we would not accept the Ought to Pass Report of this Bill. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: It is unfortunate that the only lawyer that we have on that Committee finds it difficult to draft a Bill, the other Committee members didn't seem to have quite that much difficulty.

I call your attention to the statement of fact, if you haven't already read that, it says, "this new draft requires designation of areas of publicly owned buildings, or publicly leased buildings, as either smoking or no smoking areas." The designation is a flexible one since the areas could change on different occasions. But areas where smoking is prohibited by other statutes can't be designated as smoking areas. Visible clear signs must be posted identifying the areas.

Now in regard to the third floor it seems to be a relatively simple thing all you have to do is designate one area for smoking for instance and that could be the rotunda area the other two ends of the hall would be for no smoking. Then I wouldn't have to go into the middle of the building and smell all that smoke. Now I was in a workshop for four days, these last four days, it would seem to be relatively simple was take a hallway it happened to be an "L" shaped hallway, and you knew that when you walked down the long of the "L" that you weren't going to smell smoke and you could huddle there

and take a little bit of a break, but if you went around the corner to the small part of the "L" you knew you were going to run into a bank of smoke. So those who did not want to run into that bank didn't go around there. It isn't a hard thing to visualize it is a very easy thing to visualize.

When the vote is taken Mr. President, I request the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, Members of the Senate, you know, pretty soon, pretty soon Mr. President and Members of the Senate, it will be illegal to have a pack of butts on you.

Mr. President and Members of the Senate, really I can sympathize with the good Senator from Kennebec, Senator Bustin, she really has a desire, an honest desire, to clean up the State House. She is concerned about the bank of smoke that she might come into.

I think maybe we should amend this Bill to read that who ever serves in the Maine Legislature that we should issue them a gas mask. But how is this going to be enforced, supposing now, Mr. President, I am serious and I would like to have the good Senator get up and give me an explanation if she could on this. Supposing now that by some change I started smoking again and I went off into that areas where you're not supposed to smoke, now what happens in that particular case who's going to come and tell me not to smoke there? These are the things or is the good Senator going to take it upon herself to police these areas?

You know, Mr. President sometimes we like to take and come out with all these laws. I can remember years ago we use to smoke in here there were plenty of smokers, I bet that there are three or four smokers in here and when they want to smoke they just step outside and they have one. Now where would that designated area be, it's bad enough now when the President of the Senate has to look for the smokers now when he wants a Roll Call or a Division.

You've got to be careful about these laws. I sincerely understand that the good Senator has honorable intentions in trying to do something as far as smoke and clean air, but I do not think that this is really the way to go and I am not going to support this legislation.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you, Mr. President and Men and Women of the Senate, I would like to answer the good Senator from York, Senator Danton and I suggest that I certainly am not going to go around policing anybody who is smoking or not smoking. I suspect that if he were a smoker, if he went back to smoking, that he would do the same thing that most smokers do when they see a no smoking sign and they would probably feel uncomfortable when they suddenly realized that they had lit up in a no smoking area and those no smoking areas keep in mind can be changed at will. Nobody is going to come out and tap you on the shoulder, nobody is going to take your butt away from you, nobody is going to do any of that stuff.

All this Bill is making a statement it is making statement to do exactly those things that I heard Senator Danton say in this Chamber all this session, and that is taking care of the people of the State of Maine. Be concerned about their health and particularly be concerned about the health of those people who don't smoke so that they don't get the disastrous affects of side-stream smoking.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, the Legislators both the Senators and the Representatives that serve on the Health and Institutional Committee have been dealing with quite a few smoking bills this session. If we could have