

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

Mr. FORTIER: Mr. President, is the Senate in possession of S. P. 322, L.D. 989?

The PRESIDENT: The Chair would answer in the affirmative, the paper having been held at the request of the Senator.

Mr. FORTIER: Mr. President, having voted on the prevailing side on this issue, I now move reconsideration.

The PRESIDENT: The Senator from Oxford, Senator Fortier, moves that the Senate reconsider its action whereby Bill, "An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers", was passed to be enacted. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: This matter was fairly well debated yesterday, and I think we should oppose the motion for reconsideration.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Oxford, Senator Fortier, that the Senate reconsider its action whereby this bill was passed to be enacted will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion to reconsider prevailed.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President, I move that the Senate indefinitely postpone this L.D.

The PRESIDENT: The Senator from Androscoggin, Senator Olfene, now moves that the Bill be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would request a roll call on that motion.

The PRESIDENT: 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 pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Olfene, that the Bill be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: I don't want to go into lengthy debate on this; we did it yesterday. I just want to add one point. There is some fear, and it was brought out yesterday, that every time someone walks into a restaurant they will have to be asked, "Do you smoke or do you not smoke?" And I don't think this is really to the point.

All this bill says is that in each place of over 1,500 square feet there will have to be an area set off for non-smokers. This could be adjusted. Some restaurants that have heavy summer business may find in the summertime they have more non-smokers than they do in the wintertime, so the area will be expanded a little bit, but that won't be a problem because once this bill is passed it will be known all over the state and every restaurant of any size will have these signs that people will get used to. When they walk in, if they are cigar smokers or heavy cigarette smokers, they will look for the area that says non-smoking and make sure they don't sit in that area.

I don't think it is going to cause a lot of commotion, but it is going to be an awful lot of good and a lot of help to a lot of poor people that really suffer from the exhalation of those of us who do smoke. Therefore, I hope that you would oppose the motion to indefinitely postpone.

The PRESIDENT: A "Yes" vote will be in favor of indefinite postponement; a "No" will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Brennan, Cianchette, Clifford, Conley, Cox, Cyr, Danton, Fortier, Graffam, Huber, Kelley, Marcotte, Morrell, Olfene, Peabody, Tanous, Wyman.

NAYS: Senators Berry, Cummings, Greeley, Hichens, Joly, Katz, Minkowsky, Richardson, Roberts, Schulten, Sewall, Shute, Speers, MacLeod.

Mr. Danton of York was granted permission to change his vote from Yea to Nay.

A roll call was had. 18 Senators having voted in the affirmative,

and 15 Senators having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.