

# MAINE STATE LEGISLATURE

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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  
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**Reconsidered Matter**

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, is the Senate in possession of L. D. 989, An Act to Provide a Portion of All Public Places and Transportation Vehicles to be Set Aside for Nonsmokers?

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

Mr. CIANCHETTE: Mr. President, having voted on the prevailing side, I move we reconsider our action whereby this bill was enacted.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. BERRY: Mr. President, for the purpose of offering an amendment, I move that the Senate, under suspension of the rules, reconsider its action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, under suspension of the rules, now moves that the Senate reconsider its action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-162, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: The amendment makes this proposal a permissive one and removes the penalty for not installing a sign. It is hoped that this would be a statement of intent that the public places indicated would perhaps follow, and on a voluntary basis institute this setting aside of no smoking areas.

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

Mr. KATZ: Mr. President and Members of the Senate: I have no objection to passage of the amendment provided that the Senators are aware of what they are voting on, and I am absolutely unclear what we would be voting on. We would be saying to a person who runs a retail store that, if he wants, he can restrict smoking in one part of his establishment, and we would be saying to somebody who has a church that, if he wants to, he can restrict smoking on the left hand side of the church and permit it on the right hand side. I am unaware of the fact that this great legislature has ever taken those rights away from anybody. This is a nice compromise to kill the bill, but on that basis I think you should face it rather than a compromise to bring two parties close together.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Aldrich.

Mr. ALDRICH: Mr. President and Members of the Senate: I have looked over this Senate Amendment "A" and, in my opinion, it really does away with the necessity of the legislation. The problem that I have, if you look at the L. D. is the fact that the prohibitions mentioned in this L. D. apply to public waiting rooms, restaurants, barbers and beauty shops, taverns, bars, dining and public meeting rooms, and all public transportation vehicles, and so forth. It says that these places are barred but this legislation is not limited to these places. It includes these, but it does not limit it to them. This amendment, as far as I can see, really diffuses the impact of the legislation whereby I now feel this legislation is absolutely useless.

This bill is a very good idea. It has got a good theory behind it, a good philosophy, but I do not think that it is practical. In my opinion, it is unconstitutional; it is discriminatory. And you have heard in the past in this country, not so much up here in New England, but in this country you have heard the saying when you get on the public transportation vehicle,

you here in the south, "To the back of the bus." Now they are going to apply this to either smokers or nonsmokers, whichever they prefer. They can have one or the other either up front or at the back of the bus. This is segregation between smokers and nonsmokers, and I really don't see how you can practically enforce this.

We have had quite a time with this L. D. in this body, and I would hope that we could dig a hole and put it in it, cover it up, and let's go down the road to some more meaningful legislation. I now move that this bill and all accompanying

papers be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Aldrich, now moves that the Bill, "An Act to Provide a Portion of All Public Places and Transportation Vehicles to be Set Aside for Nonsmokers", be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.