

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

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**Senate Confirmation Session
September 16, 1977**

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"Ought to Pass" as amended by Committee Amendment "B."

Thereupon, on Motion of Mr. Goodwin of South Berwick, The Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "B" was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown?

Miss BROWN: Mr. Speaker, what is the American Hospital Association's Patient Bill of Rights?

The SPEAKER: The gentlewoman from Bethel, Miss Brown, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: The Committee Amendment "B" includes in it a statement that the Patient Bill of Rights will be accepted by each hospital in the state comparable to the American Hospital Association Patient Bill of Rights that they set out as an advisory bill of rights to all the member hospitals. From our survey of the hospitals in the State of Maine, at least half of the hospitals in the state have already adopted this as their bill of rights. The committee felt that we could use this as a standard for the Department of Human Services to use as a measure when approving the various bill of rights that will be promulgated by the hospitals. Also, within the bill we established the guidelines and the standards that we want to be met, but we used that as an additional standard that the hospitals could use so they could develop their own bill of rights.

Thereupon, Committee Amendment "B" was adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-754) on Bill "An Act Requiring Immunization of Children Prior to Entering Grade School" (H. P. 1072) (L. D. 1264)

Report was signed by the following members:

Mr. GREELEY of Waldo
Mrs. SNOWE of Androscoggin

— of the Senate.

Mr. TYNDALE of Kennebunkport

Messrs. FOWLIE of Rockland

BRENERMAN of Portland

Mrs. NELSON of Portland

Messrs. GOODWIN of South Berwick

KERRY of Old Orchard Beach

Mrs. GILL of South Portland

KANE of Augusta

— of the House.

Minority Report of the same Committee

reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Mrs. PRESCOTT of Hampden

— of the House.

Reports were read.

On motion of Mr. Goodwin of South Berwick, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-754) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-757) on Bill "An Act to Provide for no

Smoking Areas in All State Offices" (H. P. 818) (L. D. 991)

Report was signed by the following members:

Mrs. TRAFTON of Auburn

NELSON of Portland

Messrs. BRENERMAN of Portland

GOODWIN of South Berwick

Mrs. KANE of Augusta

Mr. KERRY of Old Orchard Beach

Mrs. PRESCOTT of Hampden

Messrs. TYNDALE of Kennebunkport

FOWLIE of Rockland

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mrs. SNOWE of Androscoggin

Messrs. PRAY of Penobscot

GREELEY of Waldo

— of the Senate.

Mrs. GILL of South Portland

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: This is my bill and I do support the motion of the gentleman from South Berwick. I won't take you through any long arguments as to why we should have no smoking areas. I will simply observe that the Committee Amendment which you have before you, which is now really the bill, is essentially a copy of the existing Minnesota law which has proven to be very successful in Minnesota, approved by over 80 percent of the state employees according to a Roper Report.

What I really want to ask this morning is, if we can possibly obviate long debate. All points made the other day on no smoking remain germane to this kind of thing. I am practical enough to realize that three members of the other body have signed "ought not to pass." Therefore, I am willing to project that it will come back to us "ought not to pass," but I would therefore request that we vote for it again today as we voted for the other no smoking bill. Let's save time on debate, send it down the hall and if it comes back dead, I will concede and we will let it die and we will all save a lot of time.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-757) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000" (H. P. 1329) (L. D. 1606)

Report was signed by the following members:

Messrs. WYMAN of Washington

JACKSON of Cumberland

MARTIN of Aroostook

— of the Senate

Messrs. MAXWELL of Jay

MACKEL of Wells

TWITCHELL of Norway

CARTER of Bangor

IMMONEN of West Paris

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-777) on same Bill.

Report was signed by the following members:

Mrs. CHONKO of Topsham

Messrs. COX of Brewer

CAREY of Waterville

TEAGUE of Fairfield

Mrs. POST of Owls Head

— of the House.

Reports were read.

On motion of Mr. Carey of Waterville, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-777) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Consent Calendar

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar under First Day:

(S. P. 493) (L. D. 1768) Bill "An Act to Create the Maine Administration Procedure Act" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-287)

(S. P. 329) (L. D. 1088) Bill "An Act Concerning the Expiration of Motor Vehicle Inspection Stickers" — Committee on Transportation reporting "Ought to Pass"

(H. P. 415) (L. D. 518) Bill "An Act to Permit the Advertising of Prescription Eyeglasses and other Optical Devices" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-784)

(S. P. 415) (L. D. 1411) Bill "An Act to Improve Public Access to State Agency Rules by Providing for their Publication in a State Register by the Secretary of State" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-286)

No objections being noted, the above items were ordered to appear on the Consent Calendar later in the day under listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the Second Day:

(H. P. 1200) (L. D. 1441) Bill "An Act Concerning Required Voting on Certain Boards and Commissions with Quasi-judicial Authority" (C "A" H-758)

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I would like someone to explain exactly what this bill does.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker and Members of the House: This bill came before the State Government Committee. It is also my bill and I wouldn't mind explaining it.

This bill would require that a person who accepts an appointment to an agency with quasi-judicial authority or an agency that acts in appeals capacity pass a positive or negative vote when the vote is taken, except in those situations outlined in the bill. I will read to you the situations outlined in the bill.

"Members shall not abstain from voting on a decision accept when a member has a conflict of interest or substantial prejudice in the matter upon which a vote is being taken or a party to the proceeding upon which the vote is being taken.

"A member may be absent when a vote is taken only in the following circumstances: A