

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

nomics, again, are going to tell us how we treat our child, whether we teach them right from wrong. This is a first step. I would like to see it taken and maybe we can correct the upward stem of vandalism in the State of Maine.

I urge you to support this bill and the Committee Amendment.

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

Committee Amendment "A" (H-23) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

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

(H. P. 5) (L. D. 11) Bill "An Act to Prohibit Smoking at Public Meetings" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-26)

On the objection of Mr. MacEachern of Lincoln, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: This bill that is before you is a monster. It carries a \$50 fine for lighting a cigarette in a town meeting or something like that. I think we have a lot more serious problems before us than something like this.

I move the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion before you to indefinitely postpone this bill. I don't agree with the gentleman from Lincoln that it is a monster. I think that we need clean air indoors just as well as we need clean air outdoors. I can see no logic in defending clean air outside if we don't defend it inside.

Cigarette smoking is one of the largest preventable causes of death and it represents a hazard to which no person should be involuntarily subjected. Our major concern here is the public's health. This bill restricts smoking at public meetings. The cost is simply a bit of restraint on the part of a few people in a given building.

Public meetings are usually held in buildings that are paid for by the taxpayer, and since two-thirds of the public are non-smokers, this majority is asking us to give them some protection. The Committee on Health believes that it is important for the government to set a healthy example, and since cigarette companies spend one hundred times as much to advertise cigarettes as the government spends explaining its dangers, we think that this is one small step that should be taken.

We feel also, as a committee, that it is our obligation to inform you of the dangers of smoking; and this is going to be the step that the state should take in prohibiting smoking at public meetings as defined by the Right to Know Law. We believe that the bill protects the rights of the smokers as well as the non-smokers. There is a need to put a fine on the legislation. If we have a law and we do not allow ourselves a way to enforce the law, the law will be broken. If there is an enforcement incentive, then we have some recourse. The fine is only going to be applied after warnings.

I would hope that you would oppose the motion by the gentleman from Lincoln to indefinitely postpone this bill and let it go on into second reading, and if individuals have concerns then, they can address those in amendments.

Mr. Kelleher of Bangor requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one

of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Beaulieu, Bordeaux, Brown, K. L.; Brown, K. C.; Bunker, Carrier, Chonko, Garsoe, Gillis, Gould, Hall, Huber, Kane, Kelleher, Laffin, Leonard, MacEachern, Mahany, Masterton, McHenry, McKean, Michael, Paul, Peltier, Peterson, Reeves, J., Roope, Silsby, Smith, Soulas, Studley, Theriault, Tozier, Whittemore.

NAY — Bachrach, Baker, Barry, Benoit, Berube, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D., Call, Carroll, Carter, D.; Carter, F., Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L, Fillmore, Fowlie, Gavett, Gowen, Gray, Gwasdosky, Hanson, Hickey, Higgins, Hobbs, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P., Joyce, Kany, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, Marshall, Martin, A., Masterman, Matthews, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N., Norris, Paradis, Payne, Pearson, Post, Prescott, Reeves, P., Rolde, Rollins, Sewall, Sherburne, Simon, Small, Sprowl, Stetson, Stover, Strout, Tarbell, Tierney, Torrey, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Berry, Birt, Dow, Elias, Fenlason, Jalbert, Maxwell, McMahon.

Yes, 36; No, 107; Absent, 8.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred seven in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-26) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

Second Day

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

(H. P. 130) (L. D. 141) Bill "An Act to Clarify the Definition of Intermittent State Employees" (Emergency)

(H. P. 140) (L. D. 160) Bill "An Act to Amend the Maine State Apprenticeship Council to State Apprenticeship and Training Council to Conform with Federal Recommendations under the Labor Laws"

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister" (H. P. 100) (L. D. 148)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Laffin of Westbrook offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-25) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, I would

move the indefinite postponement of this amendment and would like to speak to my motion.

The SPEAKER: The gentleman from Hampden, Mrs. Prescott, moves the indefinite postponement of House Amendment "A."

The gentleman may proceed.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you all in the House today that this is a unanimous report from the committee. It came out signed by 13 people that the bill should pass.

We are amending a 20-year-old law. The law said that an inmate could go to the funeral of the mother, the father, the son, the daughter or the wife; they did not allow the inmate to go to the funeral of a brother or sister. The committee felt that inmates have the same feeling for the brother or sister as they do for the immediate members of the family, and it is for those reasons that I ask you to support my motion and remember at the same time that this will be at the discretion of the warden.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have been kind of caught off guard here this morning. I was hoping that the sponsor of this bill would take the position that the lovely lady had taken. Consequently, I will have to change my remarks and my approach to the situation.

You know, many times we sit up here and we don't know the laws that have been passed, and I must admit that I am just as guilty as anyone. I was really amazed to find out that the State of Maine allows murderers and rapists the same privileges, just about, that a nickel and dime thief would get; and I can't really believe in good conscience that when we deal with murderers who commit murder against our people, vicious crimes, when we have rapists that commit the vicious crime against our women—I say to you, ladies and gentlemen, they do not have the same rights. They relinquish those rights when they commit these vicious crimes.

Now, the do-gooders in this House and around the state will say that they, as individuals, have all those rights. I say they don't, and I will tell you why, because when they commit vicious crimes against our people, they have no compassion. They have no compassion for equal rights for the women that have been raped, they have no respect for their own families. If they did, they wouldn't commit these vicious crimes in the first place.

There are those who believe in prison reform, and I can be kind of liberal today. I go along that line of thinking because I am not asking at this moment to kill the whole bill nor am I asking to repeal something that has been on the books for many years. I think that probably when the right time comes at the next session, we will see a bill to do away with this kind of liberal reform—not prison reform but prison freedom, and that is what many people in this state want today. They don't want prison reform, they want prison freedom; and pretty soon they are going to come in here and they are going to say they want them to go to someone's funeral in the community, in the county, and pretty soon we are going to be at their discretion when they want to go to funerals.

I certainly do not object to any part of this bill outside of the vicious people that we have in our society. I had a few remarks, I must say, that I can't use this morning because of the great respect I have for the lady who is opposing me; but when I come through that door—I love everybody on the outside, but once I get here, I believe that my thoughts, regardless of whether I am mocked or regardless of the fact that I am laughed at, I believe that my thoughts from the floor of this House are just as important as anyone else's that has been elected to this House.

I don't believe that we in good conscience can not allow these vicious people in our society to