

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

Senator from Androscoggin. Senator Minkowsky.

Senator MINKOWSKY: Mr. President, is the Senate in possession of L. D. 11, An Act to Prohibit Smoking at Public Meetings?

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Bill having been held at the Senator's request.

Senator MINKOWSKY: Mr. President, I now move to Reconsider Engrossing of this measure, and would like to speak to my Motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate Reconsider its action whereby this Bill "An Act to Prohibit Smoking at Public Meetings," (H. P. 5) (L. D. 11) was passed to be Engrossed.

The Senator has the floor.

Senator MINKOWSKY: Thank you, Mr. President, Mr. President and Members of the Senate: The Amendment that I am sponsoring today will limit the applicability of this Bill solely to the meetings of the Legislature, its committees, its sub-committees and any board or commission of any state agency or authority. It would exclude meetings of the Board of Trustees of the University of Maine, of the Maine Maritime Academy and of its constituent committees and sub-committees, any boards, commissions, or agencies of any municipalities, school district, or any political or administrative sub-division thereof.

Therefore, Mr. President, Enactment of L. D. 11 with this amendment would bar smoking at public proceedings of State Government, but it would not impose the will of this Legislature on the governing bodies of any political sub-division.

I think that it is critically important in these days, when voters are increasingly concerned with undue regulation, that we as a body, limit the scope of our regulations to those governmental units for which we are directly responsible, that we leave to the sound judgment or discretion of local officials, the determinations with regard of how to conduct their own meetings.

It is interesting to note that an account in the Portland Press Herald pointed out, "The Maine Senate for years has refused to ban smoking in its own chamber. Tuesday voted to Ban Smoking at virtually all public meetings in this State." If we can not get our own house in order, Mr. President, how do we expect others to do so? Particularly when this decision will understandably be viewed as having been dictated from Augusta, and there is great concern of dictations from Augusta, Mr. President.

This point was further brought home in a February 15th editorial in the Portland Press Herald which said, "The people outside of Augusta or Washington are not unaware of logical steps that have been taken regarding personal habits, but it should be up to the local governments," which Senator Cote and myself are members of, to take this action and big government should as stated, "Butt Out".

We are deluding ourselves and being hypocritical if we think otherwise. As attractive as this may be to vote for something which is viewed as a public health measure, our own creditability is at stake here at the present time.

It is interesting to note that yesterday's press account pointed to some members who support this Bill, who were in fact at the time, smoking when this Bill was debated. It is clear that each of the governmental entities referred to in L. D. 11 could enact their own rules to regulate their own behavior on these matters. Therefore, this Bill serves no useful purpose but to rather intrude, and insults the sound discretion of local governmental officials. I would urge my colleagues in the Senate, this morning, to support this amendment as consistent with our Legislative interest, to regulate activities which are our own responsibility and to "butt out" of activities for which others undertake

day by day responsibilities for. When the vote is taken Mr. President, I would request a Roll Call.

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 question before the Senate is the motion by the Senator from Androscoggin, Senator Minkowsky that the Senate Reconsider its Action whereby this Bill was Passed to be engrossed.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Cote, Devoe, Emerson, Huber, Katz, Minkowsky, Najarian, O'Leary, Pray, Shute, Usher.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Gill, Hichens, McBreairty, Perkins, Pierce, Silverman, Sutton, Trafton, Trotzky.

ABSENT — Danton, Farley, Lovell, Martin, Redmond, Teague.

A Roll Call was had.

12 Senators having voted in the affirmative and 14 Senators in the negative, and 6 Senators being Absent, the motion to Reconsider does not prevail.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, the Senate voted to remove from the Unassigned Table.

Confirmation of Spencer Apollonio to the position of Commissioner of Marine Resources. (Committee on Marine Resources has recommended confirmation.)

Tabled—February 6, 1979 by Senator Pierce of Kennebec

Pending—Consideration

The PRESIDENT: The Joint Standing Committee on Marine Resources has recommended that the nomination of Spencer Apollonio be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Marine Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Shute, Silverman, Sutton, Trafton, Trotzky, Usher, Sewall.

ABSENT — Danton, Farley, Lovell, Martin, Redmond, Teague.

No Senators having voted in the affirmative and 27 Senators in the negative, and with 6 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Spencer Apollonio is confirmed.

Senator Hichens of York, was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Adjourned until 12 o'clock noon tomorrow.