

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

and Natural Resources on, Bill, "An Act Relating to Municipal Use of Land Control Techniques Under the Zoning Laws." (H. P. 371) (L. D. 482)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-187)

Signed:

Representatives:

HALL of Sangerville
HUBER of Falmouth
DOUKAS of Portland
JACQUES of Waterville
KIESMAN of Fryeburg
DEXTER of Kingfield
MICHAEL of Auburn
BLODGETT of Waldoboro

The Minority of the same Committee on the same subject matter Reported that the same Ought Not to Pass.

Signed:

Senators:

McBREAIRTY of Aroostook
O'LEARY of Oxford

Representatives:

PELTIER of Houlton
AUSTIN of Bingham

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

On Motion by Senator Perkins of Hancock, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Provide for Non-smoking Areas in Restaurants with a Seating Capacity of 50 or More Persons." (H. P. 433) (L. D. 550)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GILL of Cumberland
CARPENTER of Aroostook

Representatives:

PAYNE of Portland
PRESCOTT of Hampden
BRENERMAN of Portland
CLOUTIER of South Portland
CURTIS of Milbridge
NORRIS of Brewer
MacBRIDE of Presque Isle
MATTHEWS of Caribou

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Sensor:

HICHENS of York

Representatives:

BRODEUR of Auburn
VINCENT of Portland

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Hichens Senator HICHENS: Mr. President, I move that the Senate accept the Ought to Pass Report.

The PRESIDENT pro tem: The Senator from York, Senator Hichens moves that the Senate Accept the Minority Ought to Pass Report.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Sensor CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I would oppose the pending question and I would hope that once that was defeated that we could accept the Majority Ought Not to Pass Report.

This Bill was sort of a companion Bill to another no smoking Bill with probably most of you remember kicking around these chambers a couple of weeks ago.

I think the Committee's feeling was that this Bill was even more far reaching than the other Bill, as you will remember I supported. Probably having tested the waters that probably it would be just as well to let this one go by the boards for at least this year and see what action the individual municipalities and the individual restaurant owners chose to take.

We have had some assurances from the Restaurant Association that they are going to urge their membership to establish no-smoking areas, therefore I would request a Division on the pending motion, and hope that you will vote against it. Thank you.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Hichens.

Sensor HICHENS: Mr. President and Members of the Senate: I realize that this is a companion bill to one that was voted upon and sent to the Governor and then vetoed, but I do not think that just because of that fact that we should stop here.

I think that this is a good Bill, it is a good step in the right direction. I was quite pleased when I stopped at a restaurant in Maryland, last weekend on my way back from driving my sister back from Florida, to see a sign just inside of a door which stated "all of our customers are required to extinguish all smoking materials before entering this restaurant. They will be assigned a designated area in which to smoke if they so desire".

I ask the waitress how long this had been in effect and she said that it had been in effect for over a year. I said have you lost any customers and she said No I think that we have gained more customers. People come to the restaurant and have that satisfaction that they can sit and not be bothered with stale smoke, that they can taste the food and smell their food, that has been well prepared and they do not have to have smoke bothering them in that way.

I think that if it can work in the State of Maryland, it also works in the City of Washington, which I visited a couple of months ago, that it can work in the State of Maine so I would hope that you would vote along with the motion.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Sensor CARPENTER: Mr. President and Members of the Senate: I am not sure of the wording of the Maryland Law, nor the Washington Ordinance, I am however of the wording of LD 550. If you are concerned about a \$100. penalty anybody smoking at a public meeting, this one has a penalty of up to \$500 on the supervisor, not the owner, but the supervisor of a particular Restaurant. It would require that any restaurant with a seating capacity of 50 or more now that is a very small restaurant, if you stop to think about it 50 or 60 that 1/4 of the available seating space must be designated as non-smoking area.

I can think right off the top of my head of several small coffee shop type restaurants in my district which could seat probably never do in a week, could seat 50 customers, it would be very difficult to set up any kind of a non-smoking area, and even if you did the smoke from the other 3/4 would still be very prevalent, so I do not think that the Bill is going to do anything near what the sponsor wants.

If the law in the State of Maryland is that you can not smoke in restaurants that is one thing and that might be something that I would even go for, but to try to break it down as to 1/4 or 3/4 75% or 25% of the available square footage I think is a bit ridiculous to even try. Then I have objections to the fact that the supervisor could be fined up to \$500. Thank you.

The PRESIDENT pro-tem: A Division has been requested.

Will all those Senators in favor of the Motion by Senator Hichens of York, that the Senate Accept the Minority Ought to Pass Report of the Committee, please rise in their places to be

counted.

Will all those Senators opposed, please rise in their places to be counted.

4 Senators having voted in the affirmative and 19 Senators in the negative, the Motion to Accept the Minority Ought to Pass Report, does not prevail.

The Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

The President pro tem would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, the Minority pro tem Floorleader to the Rostrum where he may assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall to the Rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland Senator Conley, to his seat on the floor of the Senate.

The PRESIDENT: The Chair thanks the Senator from Cumberland, Senator Conley, for his usually excellent job.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Self-insurance under the Workers' Compensation Act." (H. P. 396) (L. D. 526)

Reported that the same Ought to Pass.

Signed:

Senators:

SUTTON of Oxford
PRAY of Penobscot

Representatives:

WYMAN of Pittsfield
FILLMORE of Freeport
BEAULIEU of Portland
DEXTER of Kingfield
MARTIN of Brunswick
BAKER of Portland
CUNNINGHAM of New Gloucester
LEWIS of Auburn
TUTTLE of Sanford

The Minority of the same Committee on the same subject matter Reported that the same Ought Not to Pass.

Signed:

Representative:

McHENRY of Madawaska

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Sensor PRAY: I move the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Pray now moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

The Majority Ought to Pass Report of the Committee, Accepted, in concurrence. The Bill Read Once, and the Bill Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Repeal the Portable Stove Exemption to the Statutes Governing Kindling of Out-of-door Fires." (H. P. 752) (L. D. 936)

Reported that the same Ought to Pass.

Signed:

Sensor:

FARLEY of York

Representatives:

MAXWELL of Jay
McSWENEY of Old Orchard Beach
DELLERT of Gardiner
STOVER of West Bath
GAVETT of Ono
CALL of Lewiston
VIOLETTE of Van Buren