

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Thirteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 26, 1987 to June 30, 1987

Index

PASSED TO BE ENGROSSED

An Act to Clarify the Department of Conservation Laws (S.P. 452) (L.D. 1379) (C. "A" S-98)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed,

On motion of Representative Michaud, under suspension of the rules, the House reconsidered its action whereby L.D. 1379 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-98) was adopted.

The same Representative offered House Amendment "A" (H-220) to Committee Amendment "A" (S-98) and moved its adoption.

House Amendment "A" (H-220) to Committee Amendment "A" (S-98) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Revise Reporting Procedures Related to Criminal History Record Information (S.P. 563) (L.D. 1684)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Prohibit Smoking in Public Areas of Publicly Owned Buildings (H.P. 270) (L.D. 353) (H. "A" H-197 to C. "A" H-151 and S. "B" S-88)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative Willey of Hampden requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Men and Women of the House: Once again, I urge you not to enact this bill, L.D. 353. I would ask you again to consider who is paying the bills? Senate Amendment (S-88) takes care of the public employees in a bargaining unit — who pays for those public employees? Who pays for the public buildings? Who should be getting consideration? I ask you to take these things into consideration before casting your vote.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: First of all Mr. Speaker, I want to thank you for sitting me next to my good friend and colleague, who has been bugging since January on these smoking bills but we will part in good spirits, I hope, after today.

I would just like to tell you one story that was told in the other body. Two weeks ago, the Senator from York, Senator Kerry's daughter, was taken into the emergency room at the Maine Medical Center. Unbeknownst to him and to the staff there, they didn't really know what was going on. They found out that she had a collapsed lung and further found out that she would be most likely allergic to smoke the rest of her life. That made a difference, I think, in the Senator's way of thinking, this time around.

What he was saying and what we are saying is, if the young Kerry girl, in two or three years to buy a license, a dog license, went in to get her father's car registered in the town that she lives in in Saco, that all we are saying in this case is that, while she is in line, that nobody could be smoking so she could walk in there and feel free that her lung would not collapse again. That is what we are saying. It hits home when you think about that happening to somebody as young as she is. There are many other people and I think if I remember right, I used the example of a good friend of many of ours — Ed McDonald, the Lewiston Paper — he is in the same boat. He cannot cover any stories where people are smoking and thank God, we put that bill through a few years ago that said, no smoking in public places. But up until that time, he had a very difficult time and there are many other people. Believe me, this is a handicap issue. Even if someone is walking, they still have a handicap because they cannot breathe the smoke so I would hope that we would go along with what we have done in the past and pass this legislation.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Men and Women of the House: In response to my good seatmate from Portland — keep in mind that local control controls the area right now where it is smokeless. Because the good Representative who is my seatmate cannot walk into a smoke-free area to get a license — the people in my municipal can. This is a local issue. The vehicle is in place, it is not to imply that people in the legislature or people of the State of Maine are not sensitive to the health problems of other people but, by the same token, they watch my health, they are concerned with my health as a smoker. I do not count some things that may affect other people's health such as the liver. I ask the same consideration, when you cast your vote.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 90

YEA — Aliberti, Allen, Anderson, Anthony, Bailey, Baker, Bickford, Bost, Bott, Boutilier, Bragg, Callahan, Carroll, Clark, H.; Clark, M.; Coles, Cote, Crowley, Davis, Dexter, Diamond, Dore, Duffy, Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadnosky, Handy, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoglund, Hussey, Jacques, Jalbert, Ketover, Kimball, Lacroix, LaPointe, Lisnik, Look, Lord, Mahany, Manning, Marsano, Matthews, K.; Mayo, McGowan, McPherson, Melendy, Mills, Mitchell, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Pines, Priest, Racine, Rand, Reed, Reeves, Rice, Rolde, Rydell, Seavey, Simpson, Small, Smith, Soucy, Stanley, Stevens, P.; Stevenson, Strout, B.; Swazey, Tardy, Taylor, Thistle, Tracy, Tupper, Vose, Walker, Warren, Webster, M.; Wentworth, Weymouth, Whitcomb, Zirkilton.

NAY - Armstrong, Begley, Brown, Carter, Cashman, Chonko, Conley, Curran, Dutremble, L.; Erwin, P.; Farren, Gurney, Hale, Holloway, Holt, Ingraham, Joseph, Kilkelly, Lebowitz, MacBride, Macomber, Martin, H.; McHenry, McSweeney, Michaud, Moholland, Murphy, E.; O'Gara, Paul, Perry, Ridley, Rotondi, Ruhlin, Salisbury, Scarpino, Sheltra, Sherburne, Stevens, A.; Strout, D.; Tammara, Telow, Willey.

ABSENT - Dellert, Jackson, Lawrence, Pouliot, Richard, The Speaker.

Yes, 101; No, 42; Absent, 6; Vacant, 2; Paired, 0; Excused, 0.

101 having voted in the affirmative and 42 in the negative with 6 being absent and 2 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to Terms of Office for Trustees of the Kennebec Water District (H.P. 1201) (L.D. 1638) (S. "B" S-101)

An Act Relating to the Term of Air Emission Licenses (H.P. 1226) (L.D. 1675)

An Act Concerning the Reporting of Political Advertising Provided under the "Fairness Doctrine" (H.P. 1228) (L.D. 1677)

An Act to Make Consistent the Federal Veterans' Reemployment Law (H.P. 1136) (L.D. 1546) (H. "A" H-196; C. "A" H-190)

An Act to Ensure Sound Forest Management of Biomass Fuel Wood Harvesting Operations (H.P. 1230) (L.D. 1680)

An Act to Clarify the Site Location Law (H.P. 1231) (L.D. 1681)

An Act to Appropriate Funds for New and Existing Services Relating to Teen Pregnancy (H.P. 1232) (L.D. 1682)

An Act to Establish a School Bus Safety and Driver Training Program (H.P. 1233) (L.D. 1683)

An Act to Remove Statutory Protection for Those Who Sexually Assault Voluntary Social Companions (H.P. 1241) (L.D. 1693)

An Act Relating to Supplemental Assessments under the Taxation Laws (H.P. 1242) (L.D. 1694)

An Act Relating to Penalties for Failure to Make Prompt Payment of Workers' Compensation Benefits (H.P. 1243) (L.D. 1695)

An Act Concerning Unfair Claims Practices (H.P. 1244) (L.D. 1696)

An Act to Require an Insurance Agent or Broker to be Located at each Place of Business (H.P. 1245) (L.D. 1697)

An Act Requiring that Certain Health Insurance Plans Provide for Cardiac Rehabilitation Expenses (H.P. 1246) (L.D. 1698)

An Act to Establish the Lubec Port Authority (H.P. 412) (L.D. 546) (H. "A" H-207 to H. "A" H-153)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED

As Amended

An Act to Create the Maine Health Policy Council (H.P. 496) (L.D. 666) (C. "A" H-206)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Diamond of Bangor, under suspension of the rules, the House reconsidered its action whereby L.D. 666 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-219) and moved its adoption.

House Amendment "A" (H-219) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Increase Educational Opportunity for Economically and Educationally Disadvantaged Residents (H.P. 847) (L.D. 1138) (C. "A" H-193)

An Act to Implement Project ASPIRE for High School Students in the State (H.P. 897) (L.D. 1198) (C. "A" H-192)

An Act to Allow the Employment of Part-time Superintendents of Schools (H.P. 964) (L.D. 1293) (C. "A" H-191)

An Act Concerning Mussel Harvesting (H.P. 979) (L.D. 1326) (C. "A" H-187)

An Act Relating to Private Citizens being Reimbursed by Local Police Departments in Certain Prosecutions (H.P. 1026) (L.D. 1384) (C. "A" H-202)

An Act to Implement the Recommendations of the Social Services Transportation Review Committee (H.P. 1039) (L.D. 1397) (C. "A" H-204)

An Act to Amend the State Funding of Pollution Abatement Projects (H.P. 1093) (L.D. 1484) (C. "A" H-186)

An Act Allowing Restricted Disclosure of HTLV II Test Results within a Federally-mandated Military Testing Program (H.P. 1128) (L.D. 1538)

An Act Amending the Assumed Payroll of Partnerships and Sole Proprietors in a Self-insured Group (H.P. 1130) (L.D. 1540)

An Act to Ensure Accessibility to Mental Health Services for Deaf Persons (S.P. 351) (L.D. 1043)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Increase the Minimum Wage (H.P. 869) (L.D. 1170) (S. "A" S-115)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Men and Women of the House: I hope that you will not vote for the enactment of this bill to increase the minimum wage. I think it is not conducive to a good business atmosphere in the State of Maine, one that lends itself to economic development. It is true that several other states are about to raise their minimum wage but they are about to raise them to the point that we are now. If we pass this bill, we will still lead the pack in minimum wage.

Right now, Alaska is the highest. When we get through with this sequence of events for the next three years, we would be the highest in the United States.

I want to clarify a little bit the numbers that were given the other day -- there are, as far as I can find out, about 70,000 people in the state who do receive the minimum wage. Broken down into various categories -- one of the largest categories are waiters and waitresses, which work under a separate formula because of the tips they receive. A good part of these people are in that category and a good