

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

necessary, a total was taken. 123 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act Concerning Teacher Employment" (H.P. 486) (L.D. 666) which was passed to be engrossed as amended by Committee Amendment "A" (H-163) as amended by House Amendment "B" (H-298) thereto in the House on May 25, 1989. Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-163) as amended by Senate Amendment "A" (S-171) thereto in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Crowley of Stockton Springs, the House voted to recede and concur.

The Chair laid before the House the following matter: An Act Regarding Political Party Enrollment (H.P. 709) (L.D. 970) (C. "A" H-246) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Priest of Brunswick, under suspension of the rules, the House reconsidered its action whereby L.D. 970 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-246) was adopted.

The same Representative offered House Amendment "A" (H-347) to Committee Amendment "A" (H-246) and moved its adoption.

House Amendment "A" (H-347) to Committee Amendment "A" (H-246) was read by the Clerk and adopted.

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

The Bill was 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.

The Chair laid before the House the following matter: An Act to Provide Property Tax Relief by Allowing Counties to Retain a Greater Portion of Real Estate Transfer Tax Receipts (H.P. 371) (L.D. 502) (C. "A" H-248) which was tabled earlier in the day and later today assigned pending the motion of Representative Gwadosky of Fairfield that the Bill be recommitted to the Committee on State and Local Government.

Representative Gwadosky of Fairfield withdrew his motion to refer L.D. 502 to the Committee on State and Local Government.

On motion of the same Representative, was committed to the Committee on Taxation and sent up for concurrence.

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby An Act to Prohibit Smoking in Hospitals (H.P. 728) (L.D. 1005) (S. "A" S-157 to C. "A" H-232) was passed to be enacted.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I apologize for bringing this matter up right at the end of this session. I have

some severe reservations about the ill effects that this bill L.D. 1005 might have on certain people. I have had the luxury of reading the debate that occurred in this body on last Monday, May 22nd. I have been contacted by several private individuals and several members of the committee that signed the Minority Report on this bill.

I have a problem that in certain situations -- having always voted to prohibit smoking in public areas and I am a nonsmoker, I am allergic to smoke -- but I recognize and I think that this body ought to make a recognition that in an emergency situation where a family finds itself in the emergency room of a hospital or another room in a hospital in a like situation, there is a lot of tension. It is a difficult moment to go through whether they bring a youngster in because they have broken an arm or they bring a loved one in with a heart attack. They are usually very stressful situations when you go to a hospital.

I am not talking about hospital visits to a friend or relative, I am talking about an emergency situation, and not to allow a smoker at that point to be able to relax for a moment or to be distracted for a moment and have to wait two or three hours or five or six hours in an emergency room -- I don't know whether or not that is really the policy that we want to enact. I find smoking offensive and I think that if you look at the record that you will find that this Representative from Augusta has always voted to prohibit smoking. But, I just cannot go along with this bill with the only exception being you have to have written permission from your doctor to allow you to smoke. There is enough going on in that person's life when they are in the emergency room and they are waiting for care, they are in a very stressful situation, there is enough happening -- I don't think we ought to impose another restriction and have someone come over and say, "Excuse me, madam or sir, would you please extinguish that cigarette?" "Well, I am a smoker and I have been here two hours..." "Well, that is all right, you have a note from your doctor." It may be three in the morning or something. I just -- reading the Record for the House that day, I don't know whether that was explained in detail. But, I find that there could be an exception to allow that -- at least in an emergency room, I am not talking about employees, I am talking about a friend, relative, someone who has brought someone in to an emergency room type of setting and that person be allowed to at least deal with their trauma and deal with the tension of the moment. I find it hard to vote for that type of bill that is so stringent. In the back of my mind, as was explained here last Monday, that hospitals can do this right away, they don't need a state law to do it. But, I would be willing to go along with a law that would at least make some sort of exception to people who are caught in a very difficult situation in a very dire moment and that we ought not to add to their trauma or their discomfort, that we ought to be there to help them out.

Mr. Speaker, I would ask for a division on the enactment of this bill.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Augusta had indicated that his concerns with this bill had to deal with the emergency ward. Quite frankly, I haven't had that -- and thank God -- haven't had the chance to go into an emergency ward with a loved one in a stressful situation. I have gone into the emergency ward and waited but I can't

remember any emergency ward in this state and I have been in a few of the hospitals that aren't located right next to the outdoors. Quite frankly, most of those times if people are sitting in the emergency ward, they are not allowed inside with the patient. They don't really know at that stage of the game what is going on with the patient because the hospital personnel are working on the individual patient. If they need to have a cigarette at that particular time, it would seem to me it wouldn't be that far away where they could walk outside. I know at Mercy Hospital in Portland, the Medical Center in Portland, and the Osteopathic in Portland, that is number one, five and six of the state's hospitals in capacity size, the emergency ward is right next to the outside.

One of the other things that was brought up during our conversation in committee was the fact that one of our members had a traumatic experience just recently and who does smoke and indicated that that was the last thing on that person's mind -- thinking about needing a cigarette because one of their loved ones was in the emergency ward.

I think what we need to take a look at is whether or not the person is, as Representative from Augusta had indicated, allergic to smoke and what about that particular person who is allergic to smoke sitting in the emergency ward waiting for their loved one on the other side of the curtain, that is what we have got to think about.

The emergency wards are very close to the outside. If somebody needs to take a quick puff on a cigarette they can walk outside and take a quick puff and come right back and they are not that far away from their loved one who is behind the curtains being worked on by the personnel, they are not (I don't imagine) allowed to be inside while somebody is being worked on in the emergency ward. I would hope that the House would go along with the original vote and vote to pass this out.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: I can't believe my ears. I just can't. We are still arguing this bill down to the last gasp. Now, I have been in emergency rooms and that argument about relaxing someone reminds me of back in the woods when I worked beside this fellow that worked a twitch horse back in those days pulling heavy loads. The horse would stop and he would beat him with a club -- of course, the horse was trying to relax, the he would jump forward -- he beat him once too many times and he dropped dead. I just don't buy the argument that when you haul in a drug, it relaxes you, I just can't buy it. Once again, I can't believe my ears and I hope you vote against this pending motion.

The SPEAKER: The pending motion is enactment.

Representative DEXTER: I thought he asked for a Division.

The SPEAKER: The Chair would answer in the affirmative.

Representative DEXTER: All right, do the right thing.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative DUFFY.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I just can't understand why the hospitals or the medical officials or professionals can't regulate who should or should not smoke and where they should smoke in the hospitals. I wonder if the nurses or doctors won't be going outside to have a cigarette. It seems a little ridiculous to me.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: If any room in this state needs to be a clean, pure room, it is the emergency room.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 40 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Melendy of Rockland, Adjourned until Thursday, June 1, 1989, at nine o'clock in the morning.
