

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 Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

in risk and need state help that they are going to be limited on how they can hire. In fact, there is a three year recall that, if somebody is laid off, they have to come back. It is a poor bill for the Maine business.

Because it is a poor bill for the Maine business, it is a poor bill for the employees of this state as well.

Mr. Speaker, I would ask that we have the yeas and nays when the vote is taken.

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 pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 106

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tammara, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Carleton, Carroll, J.; Cote, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

ABSENT - Ault, Bowers, Butland, Cashman, Hale, Kutasi, Pineau, Vigue.

Yes, 92; No, 51; Absent, 8; Paired, 0; Excused, 0.

92 having voted in the affirmative and 51 in the negative with 8 being absent, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once.

Committee Amendment "A" (S-230) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 6, 1991.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-240) on Resolve, to Conduct an Independent Review of the Department of Human Services (S.P. 551) (L.D. 1455)

Signed:

Senators: BERUBE of Androscoggin
BUSTIN of Kennebec

Representatives: KILKELLY of Wiscasset
NASH of Camden
SAVAGE of Union
GRAY of Sedgwick
JOSEPH of Waterville
HEESCHEN of Wilton
LARRIVEE of Gorham
LOOK of Jonesboro
WATERMAN of Buxton

Minority Report of the same Committee reporting "Ought Not to Pass" on same Resolve.

Signed:

Senator: EMERSON of Penobscot

Representative: KERR of Old Orchard Beach

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-240).

Reports were read.

On motion of Representative Joseph of Waterville, the Majority "Ought to Pass" Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-240) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 6, 1991.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-251) on Bill "An Act to Ban Smoking in Laundromats" (S.P. 215) (L.D. 542)

Signed:

Representatives: MANNING of Portland
GOODRIDGE of Pittsfield
SIMONDS of Cape Elizabeth
WENTWORTH of Arundel
PENDEXTER of Scarborough
TREAT of Gardiner
CLARK of Brunswick

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senators: BOST of Penobscot
GILL of Cumberland

CONLEY of Cumberland

Representatives: GEAN of Alfred
 DUPLESSIS of Old Town
 PENDLETON of Scarborough

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted.

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.
 Representative MANNING: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" Report.

This happens to be a bill that will be banning smoking in laundromats. We are going to have four smoking bills here today and, if somebody in this House can absolutely tell me that it is a good idea for people in this state to be able to go into a laundromat to get their clothes clean and to have right next to the laundromat, right next to where you are taking out your laundry from the washer or the dryer, somebody smoking a cigar — you are there to get your clothes clean — if that is right, then I don't know what is going to pass in this House. This is a simple measure which basically says for that period of time that you are in a laundromat, you cannot smoke. It is as simple as that. I would hope that this House would go along with it.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Men and Women of the House: I agree, tobacco smoke is not the most healthy thing, we all know that, but it seems to me, although my distinguished chair of the committee says it is a good idea to have this bill pass, I would argue that it is a bad idea. Because what we are doing is mandating a particular business, a single business, to not allow smoking. I say we should allow the business to choose for themselves. Why are we tinkering with businesses? Why not let them decide what their clients want?

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As the Representative from Eagle Lake just stated, I am from Portland, but I would be willing to bet there are many of you people who represent small towns out there that there is only one laundromat in the whole town. In Portland, you might be able to find a place but there are other towns in this state, I would be willing to bet, that there is just one laundromat. So, what do you do? Do you go in, get your clothes cleaned and have cigarette smoke all over your clothes? I think even the smokers in this House have got to admit that that is not a good idea. If you can't stop smoking in the laundromat — I mean, it isn't as though you are going to be sitting there watching the clothes go around the washing machine, you can step outside and have a cigarette.

Remember the small towns, the small towns that you people represent and the one laundromat in that small town. That is what you ought to be looking at in this bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of

Representative Manning of Portland that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 78 in the negative, the motion did not prevail.

Subsequently, The Minority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-252) on Bill "An Act to Protect Citizens from the Effects of Environmental Tobacco Smoke" (S.P. 422) (L.D. 1134)

Signed:

Representatives: MANNING of Portland
 CLARK of Brunswick
 GOODRIDGE of Pittsfield
 SIMONDS of Cape Elizabeth
 WENTWORTH of Arundel
 PENDEXTER of Scarborough
 TREAT of Gardiner
 DUPLESSIS of Old Town

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senators: BOST of Penobscot
 GILL of Cumberland
 CONLEY of Cumberland

Representatives: GEAN of Alfred
 PENDLETON of Scarborough

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted.

Reports were read.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought to Pass" Report.

I have to say before we get into this other argument today that it is a little sad not to have my seatmate here. For you veterans, you remember the arguments that my seatmate and I would have — I hope she does get better and if she is listening, I hope she does get back. I think we all wish her well.

This bill here — I am not quite sure, if you wouldn't buy the last one how you are going to buy this one, but let's try.

This bill will ban smoking in places where the majority of the public will be invited to come. I don't think that anybody in this room can honestly believe that smoking is good for you. Our health care costs in this state are climbing. Our health care costs across the country is climbing.

One of the issues that this legislature is dealing with right now and is a very serious issue — I think the two committees that are dealing with it