

MAINE STATE LEGISLATURE

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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

Augusta.
PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-545) and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (9) **"Ought to Pass"** as amended by Committee Amendment "A" (H-454) - Minority (4) **"Ought Not to Pass"** - Committee on **State and Local Government** on Bill "An Act to Promote Fully Informed Legislation and Rulemaking" (H.P. 913) (L.D. 1310)
TABLED - June 6, 1991 by Representative JOSEPH of Waterville.
PENDING - Motion of same Representative to accept the Minority **"Ought Not to Pass"** Report.

On motion of Representative Joseph of Waterville, retabled pending her motion that the House accept the Minority **"Ought Not to Pass"** Report and later today assigned.

The Chair laid before the House the fifth tabled and today assigned matter:

An Act Concerning the Franklin County Budget (H.P. 15) (L.D. 18) (S. "A" S-212 to C. "A" H-225)
TABLED - June 6, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the sixth tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (8) **"Ought Not to Pass"** - Minority (5) **"Ought to Pass"** as amended by Committee Amendment "A" (H-277) - Committee on **Legal Affairs** on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117)
TABLED - June 6, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Motion of Representative LAWRENCE of Kittery to accept the Majority **"Ought Not to Pass"** Report. (Roll Call Requested)

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Lawrence of Kittery that the House accept the Majority **"Ought Not to Pass"** Report and later today assigned. (Roll call requested)

The Chair laid before the House the seventh tabled and today assigned matter:

HOUSE REPORT - **"Ought to Pass"** as amended by Committee Amendment "A" (H-481) - Committee on **Business Legislation** on Bill "An Act to Provide for the Regulation of Massage Therapists" (H.P. 978) (L.D. 1421)
TABLED - June 6, 1991 by Representative GRAHAM of Houlton.
PENDING - Acceptance of Committee Report.

Subsequently, the Committee Report was accepted and the Bill read once.
Committee Amendment "A" (H-481) was read by the Clerk.

Representative Lawrence of Kittery offered House Amendment "A" (H-601) to Committee Amendment "A" (H-481) and moved its adoption.

House Amendment "A" (H-601) to Committee Amendment "A" (H-481) was read by the Clerk and adopted.

Committee Amendment "A" (H-481) as amended by House Amendment "A" (H-601) thereto was adopted and the Bill assigned for second reading later in today's session.

The Chair laid before the House the eighth tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (8) **"Ought Not to Pass"** - Minority (5) **"Ought to Pass"** as amended by Committee Amendment "A" (H-483) - Committee on **Human Resources** on Bill "An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals" (H.P. 333) (L.D. 463)
TABLED - June 6, 1991 by Representative MANNING of Portland.
PENDING - Motion of Representative PARADIS of Frenchville to reconsider whereby the Majority **"Ought Not to Pass"** Report was read and accepted.

Subsequently, the House voted to reconsider its action whereby the Majority **"Ought Not to Pass"** Report was read and accepted.

The SPEAKER: The pending question before the House is acceptance of the Majority **"Ought Not to Pass"** Report.

Representative Clark of Brunswick requested a roll call vote.

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 Old Town, Representative Duplessis.

Representative DUPLESSIS: Mr. Speaker, Men and Women of the House: I hope that you will vote against the motion and go on to accept the Minority Report.

I would like to begin by reading some of the testimony presented from the Maine Commission on Mental Health. "The Commission believes that current law, by only allowing smoking in hospitals with a physician's order, creates particular complications

for persons being treated for either substance abuse or a psychiatric disorder. One of the reasons for admitting these individuals to hospitals for such treatment is that they need to be removed from the stresses of daily life to allow for effective treatment. The commission believes that forcing these individuals to quit smoking for the duration of their stay could create a level of stress that could quite possibly be counterproductive in treatment terms."

As some of you have heard, this is not a problem in some hospitals, so then you say, why legislate? Well, it makes me wonder who you received your information from, most likely administrators. How many of you called a consumer of mental health or substance abuse services? How many of you called the workers who have direct responsibility for these consumers? I have learned over the weekend that many people in need of psychiatric care or substance abuse counseling refused to admit themselves when they are made aware of the hospital smoking restraints. Also, there are those who will sign themselves out before they complete the treatment.

I ask you, is this part of the quality health care system? I think not.

I have experienced patients changing their minds about staying on the unit where I work for various reasons and it is scary for me to let them go. But, as you know, these are voluntary units and it is their own decision. Many of you know the stigma society attaches to a person who has experienced a nervous breakdown or who has admitted to being an alcoholic. They are already extremely reluctant to receive much needed treatment, especially when that treatment is offered in the hospitals. What these people don't need is another reason to avoid hospitalization.

You must understand, it is very difficult for me as a health care provider to advocate for a behavior that I know leads to long-term illnesses but I am first and foremost a patient advocate and I believe requiring these people to quit smoking at an acute phase of their lives is unrealistic and counterproductive.

The SPEAKER: The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Hale of Sanford. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 127

YEA - Anderson, Ault, Boutillier, Cote, Daggett, Foss, Garland, Goodridge, Gurney, Handy, Hanley, Hastings, Hichborn, Ketover, Kutasi, LaPointe, Lawrence, Lemke, MacBride, Manning, Marsh, Melendy, Merrill, Mitchell, J.; Nadeau, Nash, Norton, O'Dea, O'Gara, Oliver, Parent, Paul, Pendexter, Pfeiffer, Pines, Pouliot, Powers, Salisbury, Savage, Simonds, Simpson, Strout, Tracy, Treat, Tupper, Wentworth.

NAY - Aikman, Aliberti, Anthony, Bailey, H.;

Barth, Bell, Bennett, Bowers, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Heino, Hepburn, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lebowitz, Libby, Lipman, Look, Lord, Luther, Macomber, Mahany, Marsano, Martin, H.; McHenry, McKeen, Michaud, Mitchell, E.; Morrison, Murphy, Nutting, Paradis, J.; Paradis, P.; Pendleton, Pineau, Plourde, Poulin, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Saint Onge, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Swazey, Tamaro, Tardy, Townsend, Vigue, Waterman, Whitcomb, The Speaker.

ABSENT - Adams, Bailey, R.; Butland, Carleton, Graham, Heeschen, Ott, Ruhlin, Rydell.

PAIRED - Hale, Mayo.
Yes, 46; No, 94; Absent, 9; Paired, 2; Excused, 0.

46 having voted in the affirmative and 94 in the negative with 9 absent and 2 having paired, the motion did not prevail.

Subsequently, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-483) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

BILL HELD

Bill "An Act to Clarify the Maine Juvenile Code" (S.P. 588) (L.D. 1541) (C. "A" S-267) - In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-267) in concurrence. HELD at the Request of Representative KILKELLY of Wiscasset.

On motion of Representative Kilkelly of Wiscasset, under suspension of the rules, the House reconsidered its action whereby L.D. 1541 was passed to be engrossed as amended by Committee Amendment "A" (S-267).

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-267) was adopted.

The same Representative offered House Amendment "A" (H-597) to Committee Amendment "A" (S-267) and moved its adoption.

House Amendment "A" (H-597) to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" (S-267) as amended by House Amendment "A" (H-597) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-267) as amended by House Amendment "A" (H-597) thereto in non-concurrence and sent up for concurrence.

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

ORDERS