

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

House Amendment "A" (H-278) **READ**.

On motion by Senator **VOSE** of Washington, House Amendment "A" (H-278) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **VOSE** of Washington, Senate Amendment "A" (S-177) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Regarding the Department of Environmental Protection Rulemaking"

H.P. 861 L.D. 1170
(C "A" H-317)

Tabled - May 25, 1993, by Senator **ESTY** of Cumberland.

Pending - **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, May 21, 1993, **READ A SECOND TIME**.)

(In House, May 19, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Related to the Adoption of Municipal Ordinances and Comprehensive Plans and to Revise Notice Requirements for Certain Zoning Changes"

H.P. 864 L.D. 1173

Tabled - May 25, 1993, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-343), in concurrence.

(In Senate, May 21, 1993, Committee Amendment "A" (H-343) **READ**.)

(In House, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343)**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-343), in concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **HUMAN RESOURCES** on Bill "An Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke"

H.P. 666 L.D. 904

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-358)**.

Minority - **Ought Not to Pass**

Tabled - May 25, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 24, 1993, Reports **READ**.)

(In House, May 24, 1993, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358)**.)

Senator **PARADIS** of Aroostook moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I do have a treat for you, this is the Bill whose time has come. For a dozen years now this issue has been before this body as a very important public policy concern. I doubt the legislators, back then, thought it would take so long to start protecting our men, women, and children from secondhand smoke. That time has finally arrived. I have enjoyed my stay on the Human Resources Committee, an assignment that most people covet, and I share that feeling too, but I accepted the assignment because I am not one to turn down a challenge. It's been the most difficult job I have ever done, that includes picking potatoes. This session has been very grueling because of the problems the State is facing. I miss my family, having a life, and all that goes with it but I wouldn't give up these last five months for anything because I feel that I have a better grasp of what is going on in this State and possibly have found ways to turn things around by making positive policy changes that now will have long term impact on the people of this State. Our Committee took our role very seriously and this Bill falls under the category of a very important policy statement that we would like to make. We heard incredible testimony and usually the Committee stayed for all of it. There were dozens of documents that detailed everything about this issue. The impact of secondhand smoke on people's bodies.

Health care concerns are very important to us because it is a big ticket item for the taxpayers of this State. At a National Governor's Conference on

Primary Care in Vermont a few weeks ago, prevention was the thing that was stressed the most. States are to do everything in their powers to get the word out, less food, less alcohol, safer lifestyles or habits, like buckling up. We, in Maine, have the highest rate of lung cancer, and for many reasons. That is taking its toll. We all know people close to us that have succumbed to this problem. We know what exposure to second hand smoke can do to the unwilling recipients of the largess. The testimony, as I said, was overwhelming. We are making a statement here that we care about people and that this stuff is deadly. No amount of air exchanger or recycled smoke will do what can simply be done by being able to avoid.

Undiagnosed allergies caused me to have a very miserable childhood. I was sick all of the time and I had to use up precious family resources because it meant travelling to different hospitals. I remember a stay at Bangor, which in those days was an incredibly far place to go, for care. Dad had to take 9 days out of work without pay and without insurance coverage, we paid those bills for years. I remember every month getting that little envelope. At 13, surprise surprise, allergies, smoke among other things. What was the very expensive prescription? Avoidance. You avoid these allergens and you are going to be healthy. It did turn my life around at that point but no child, no one, should have to go through something like this. We know how many children in this State are very badly damaged by having to be exposed to this smoke. The solution here is not expensive but it works, Maine children and elderly, vulnerable adults, are not here today. As a young child, I could not do very much to help myself, adults had to be the protector. They had to be the defenders. We are the adults today and we know what is appropriate and right. What powers we have to improve the quality of life, to preserve precious resources. This is a simple comprehensive policy instead of a piecemeal effort of the past. It is very consistent with the positive policy shifts we are trying to make in our Committee. It's very hard to change and to grow, but we can do no less. 75% of the people in this State who don't smoke deserve nothing less. I urge your support on the Ought to Pass on this. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am pleased to support the Ought to Pass as Amended Report from the Human Resources Committee. I am a parent of a child who has severe asthma. I know what it is like to be awakened in the middle of the night with a child with a cough that you just can't stop no matter how tightly you hold him or hard you try to comfort him. Let me say at the outset that this Bill is not about being against the smoker, but being against the smoke. Smoke and other environmental factors enter into the suffering of my children and literally hundreds of thousands of other children who suffer from respiratory illnesses in our neighborhoods, in our State and in our Country.

My son, Carter, who was born on August 7, 1989, had his first respiratory attack when he was five months old and was diagnosed with croup. Many of us hear the term croup and we think it is nothing but a cough and a wheeze and it is something that the child will overcome. Let me just read from Dr. Spock's Baby and Childcare book, by Dr. Benjamin Spock and Michael P. Rothenberg, about croup. It says, "A

child who has hoarseness with fever or tightness of breathing with fever must be put under the close continuous supervision of a doctor without delay." Needless to say that is what my wife and I did. My son was hospitalized at five months for three days. In October of 1990, a few short months later, he again was hospitalized as a result of his respiratory illness, again for three days. In January of 1991, at 17 months, again hospitalized for three days. In March of 1992, at age 2 1/2 years, again hospitalized for three days. One very short month ago, at age 3 1/2, hospitalized five days, intensive care for 1 day near death, because of his respiratory illness. Let me state categorically, I do not mean to imply that smoking was the result of his hospitalization, but smoking and the ETS, Environmental Tobacco Smoke, enters into this whole equation because lifestyle has to change given the lifestyles of other people that are imposed on you. It's very difficult to walk through the Auburn Mall from one end to the other without encountering not just a smoker walking by, even though there are designated areas in the place, and they do make an attempt to enforce that, but I can't go from one end of that mall with my son, nor would I with any other member of my family given our experience with our son, because one end of that mall is a designated smoking area where general members of the public are expected to go.

I can try to relate to you the pressures that are put upon an entire family, not just the parents because Carter's sister certainly feels the pressure when her brother is taken ill. She has to contend with that and we have to contend with her feelings about that as well. In an attempt to try to qualify this in some concrete terms, aside from the rushes to the Emergency Room, and I haven't even accounted for those, or the rushes to the doctor's office when he is in crisis, to deal with an asthma attack, let me talk a little bit about the cost associated with this from a very personal standpoint. My son starts his day when he wakes up by going on a breathing machine, it's called a Pulmo-Aide. In that Pulmo-Aide there is an apparatus that is filled with several medications. One is called Ventolin, a very common asthma medication, and that is put in that thing called a nebulizer and it is vaporized, along with another drug called Chromolyn Sodium. Chromolyn Sodium is a very expensive drug, and that goes along with it. The drugs that he is required to inhale at the beginning of his day and in the middle of his day and at the end of his day, the Sodium Chromolyn is \$120 for a 40 day supply, the Ventolin is \$18 for a little bottle that lasts about 6 weeks, and these nebulizer packets sell for \$10 each and they are good for about 10 days, maybe 12 days. In addition to those drugs which he is required to inhale he must also take orally a drug called Slo-Phyllin, it's rather strong Theophylline and Theophylline has one of the most narrow of safety margins of any drug that is prescribed for any person, according to our pediatrician. He must take that 3 times a day. When he is in crisis or he develops a cough he has to be put on Ventolin Syrup and that's kind of like a cough syrup, it's kind of like to get to the root of the problem as quickly as possible and try to fend off getting to severe crisis. When he does get into severe crisis, this is probably the step before he ends up having to go to the hospital, we put him on Prednisone. Prednisone is a steroid and there are a number of potential side effects to the uses of a steroid. We'd like to say no, we don't want to have to contend with those potential side effects down the road, like certain problems with heart and muscles later in life, but given the limited nature of the kinds of drugs that are available we must put him on

that and kind of weigh the risks and benefits. There really is nothing else that we can do. His oral medications, for 200 pills of the Theophylline is \$40 for a 60 day supply. The Ventolin, which he takes on an as needed basis, is \$25 for 16 ounces and the Prednisone steroid is \$45 for 8 ounces which lasts for about 6 to 8 weeks. Those are the things we need to keep him out of the hospital.

To give you a sense of his hospitalization. I'll start backward. His last hospitalization, including the doctor's fee of \$500, being hospitalized for 5 days, amounted to \$7000. His other four hospitalizations amounted to roughly \$3500, with doctor's fees. One might say, well Jim you have Blue Cross Blue Shield, that's a pretty good plan, you're covered. In fact we don't. My wife and I cannot afford for her to hold her job and myself to be here and afford the premium, so we opt for my wife's plan which is not too bad a plan at my wife's employment, although they are self insured so their employees bear the burden of paying the cost of insurance. When you get to these kinds of dollar figures you can bet that it has an impact on a self insured company. Most of that is covered. Medications are 75% covered once we meet the deductible, after that the coverage comes from the insurance at 100%. There are other costs associated with these kinds of problems that insurance won't pick up and few people want, or really have the ability to acknowledge. We have the electricity that we expend for the machine that drives the air through the nebulizer. We can't write off for that. We have to pay our child care provider, and we are fortunate to have one that is willing, because there are many child care providers who are not willing to have children who require ongoing medications. We have to pay an extra \$10 to have our childcare provider administer the breathing treatment to our son one day a week for five days that he is at the childcare. Furthermore when he is out and at home because he is in crisis, or if he is hospitalized, we still have to pay the \$65 a week for childcare services, whether he is there or not, otherwise we would lose the space in our childcare. There are other ancillary things that come into play here, like missed work on the part of myself or my wife in order to be sure that my son's medical needs are attended to.

What this all amounts to is that we may not be able to prevent these kinds of attacks totally, but we certainly can take steps to mitigate them at significantly lower cost to the insurers and to the parents and families of these children. Not only in monetary terms but in emotional terms. This is probably the most cost effective way of approaching environmental conditions in which we live. I cannot urge you more strongly to support this, not for my son, because my son will probably have asthma for the rest of his life whether there is smoking or not. It's unlikely that he will grow out of it given its severity, but we can mitigate the severity of his attacks and perhaps even eliminate the attacks for some people. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One must sympathize with any story concerning family conditions, and certainly that would be my position here. However, I will tell you that I will vote against this piece of legislation on the grounds that, if you read the amendment, there are any number of exceptions. When one gets talking on a situation

such as this and starts saying these people are accepted and those people are accepted and you do not have to worry about it here, that flies in the face of reason for those people are just as important as anyone else. If this Bill had said, across the board, that we would restrict this type of activity, I would certainly vote for it. However, when they add that many amendments to it and that many exceptions, I find that that is not good legislature. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman.

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today with great empathy and, indeed, understanding for the good Senator from Androscoggin, Senator Handy. I want to say at the onset that I am a non-smoker. I also want to say that in my thirty something years of life I take some pride in trying to keep myself physically fit and am, indeed, irritated with tobacco smoke myself. I'm the father of three young children, one of whom, as we speak, is sharing, although not as drastic, similar situations as the good Senator from Androscoggin, Senator Handy. I'm also a small business owner, I do not permit smoking in my business. One might ask why would you rise to speak in opposition to this Bill. I do so for a couple of reasons. First, if you read the Bill, one of the provisions in there has to do with taverns or lounges, which would create a whole new definition for the purpose of banning smoking in some lounges. Creating an uneven playing field. Some would permit, for example Alfred's Restaurant right here locally, others would prohibit, like the Senator or Margarita's. It bans smoking completely in private businesses with no accommodations for designated smoking areas. This, despite the fact, that many businesses have already invested large sums of money to remodel and install ventilation systems. It approaches private businesses, like mine where I choose not to have smoking allowed, such as barber shops, corner stores, professional offices, shopping malls, and the like. Shouldn't they be able to make their own decisions based on their own professional judgements. They are private businesses, not public facilities. Businesses ought to be able to judge the needs of their clients. In fact, when this Bill was before our Committee I was very surprised to hear the conversation talking of why don't we do what they did in Vermont, because in Vermont they just eliminated smoking, that would be fair to everybody. The comment in Committee was that's not going to fly politically, that won't get past the House let alone the Senate. We can't approach it on that basis. It is exempting businesses where it would be popular but yet if you look at it there are exceptions. Hospitals, of all places, for Beano halls to name a second.

I was very encouraged and surprised to hear a number of restaurants, indeed other facilities are choosing to go smoke free. One of my favorites in my district in Brunswick is the Great Impasta, and they have just announced that they are totally smoke free. How many of you have heard of Moody's Diner? It's probably one of the most unique tourist attractions in the State, they announced today that they are going to a smoke free environment. The issue here isn't whether we agree that we should have a smoke free environment. I think the issue to me is shouldn't we allow the people who run private businesses to decide for themselves what their clientele wants. Indeed if we are going to eradicate this problem it should be eliminated all together.

Anything less than that is just going to create economic warfare between those who can afford to comply with certain provisions of the law and those who can't. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to answer the good Senator from Cumberland, Senator Harriman, about letting small businesses decide for themselves and just relate a story. I went to lunch this noontime and I will refrain from naming the restaurant, but I was asked by the owner how I was going to vote on these Bills and I said I was going to be voting for them. He reached out and grabbed my hand and said thank you for doing the job for me because I don't have the courage. Thank you.

On motion by Senator **BUSTIN** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am in favor of this Bill because I am chained to an inhaler every day of my life and I cannot tolerate for very long being in an area where there is smoke. There are an awful lot of people who don't care about whether or not that bothers anybody else or not. We are restricted to places that other people cannot go to. It's just very confining and I don't think it is very necessary. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise only since nobody from my party has risen to join Senator Harriman from Cumberland. I feel it is important to state my reasons on the Record why I will be joining him. Actually now that a Roll Call has been ordered I'm going to have to pair. I want to start off by saying a number of things. First, I was on the Human Resources Committee two years ago when we dealt with this issue and death with actually this exact same Bill almost. I did not support it then. Then, like now, I appreciate the hard work of Dr. Lannie Graham, who is actually in the chamber here, and whose father served in this body with great honor, she has done him tremendous service down there in the Department of Human Services on all health issues. I also want to commend the Senate Chair, I know how hard she has worked this year and she has a number of Divided Reports coming up after this. Nobody has worked harder in this legislature than she has, the good Senator Paradis from Aroostook. Senator Handy from Androscoggin and the good Senator from Penobscot, Senator Pearson, gave strong personal reasons why we ought to be further limiting people's ability to light them up if they have them. I must say, although I do not smoke, I do have a bias in this area. I tend to like to be around places where people are smoking and drinking. I know that that is my personal and my own problem and preference. I have to say that my district probably has as many restaurants or lounges or places that could be considered lounges in it as any three or four Senate districts represented by individuals in this body. I hear from them and I listen to them carefully, though I believe I am very liberal on most social issues, on

this particular issue I depart from many of my friends in this chamber. The reason I do is in looking at the Bill, I talked with the good Senator from Aroostook about this earlier, and it was raised by the good Senator from Cumberland, Senator Harriman, tavern, as it is defined, leaves a lot to be desired. The way that it is defined, and I have actually called the individual downstairs in the drafting office to make sure my understanding is correct, and it is, any establishment that 51% of its take is made up of food, if you sell that much food, you will be covered by this law. What that would cover is a place a few blocks from Senator Harriman's office, a brew pub which is a small business. It would, like many of the restaurants that are actually lounges in the Old Port area in Portland would have to go to extraordinary expense to comply with the provisions of this proposal. That's one reason why I'm against it. Another reason why I am against it, is in reading the Bill, although we do ban smoking in the office I work in, as I read this Bill, a person of one, one person could have an office and if someone came in and did not consent to that person smoking that person would be prohibited from smoking in his or her own office. I think that's going a little bit too far for government to regulate that particular situation.

Finally, in looking at the Bill, I must say that is does matter, there is a difference between drinking and gambling, as we all know. I see an exception has been made for Beano halls in the Bill, under Section K. Whoever represents them deserves a large degree of credit for being able to exempt Beano halls from this Bill. I don't think it is very fair to exempt them and to leave lounges in. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As my good friend from Cumberland, Senator Conley, vacates the liberal position I guess I will fill in for him on this one. I, too, share with the good Senator from Penobscot an inhaler that I have to use before I engage in athletic activities. While I don't have to use it all of the time, before I go running I do have to use the inhaler. The reason why is because my mother has been smoking ever since she was 16. Every morning at breakfast she would have a few cigarettes while I ate my Cheerios and bananas. What the situation has evolved to now is my mother has been on oxygen 24 hours a day for the last 10 years. The doctor said she probably would not see my younger brother graduate from High School. She is still on, but 24 hours a day she carries an oxygen machine beside her. When she goes out, when she goes to a restaurant, the thing is we have to call ahead to make sure there is no smoking at all in the restaurant. Maybe it is hypocritical of me to use this argument, seeing as I voted against the seatbelts, but for those who voted in favor of the seatbelts as far as from a dollarwise standpoint, the cost to the State and the cost to society, this has proven to be even more costly as far as cigarette smoking and the effects of secondhand cigarette smoke on those individuals. The argument does have some merit.

I think if this chamber is willing to pass this Bill through I would be willing to offer an amendment which would cover the concerns raised by the good Senator from Cumberland, Senator Harriman, as far as either adopting a Bill which has no exemptions or going along with a Bill similar to Vermont's. Those

options are available to us. I think we, as a chamber, are faced with a very positive effort of which we can partake this evening and I think that effort is to go along with the Majority Ought to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Senator Begley is absolutely right in the terms that we lack the moral fortitude to make it as wide ranging a Bill as we would have liked to. As you notice, there is a consistent pattern that we at least protected the children. Knowing the political reality and I would be more than happy to vote for any amendment that would do the complete ban. We left in private office options, again trying to protect people. We felt we needed to define tavern because if someone wants to redefine that in terms of taverns that are presently wishing to masquerade as restaurants that is another matter. I urge your positive support on this legislation. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

A vote of Yes will be in favor of **ACCEPTANCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The **CHAIR** who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **PINGREE** of Knox who would have voted **YEA**.

Senator **CONLEY** of Cumberland who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **MCCORMICK** of Kennebec who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CIANCHETTE, ESTY, FOSTER, HANDY, HANLEY, LAWRENCE, LUTHER, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE**

NAYS: Senators **BALDACCI, BEGLEY, CAHILL, CAREY, CARPENTER, GOULD, HALL, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER**

ABSENT: Senator **CLEVELAND**

PAIRED: Senators **CONLEY, MCCORMICK, PINGREE, THE PRESIDENT - DENNIS L. DUTREMBLE**

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators having paired their votes and 1 Senator being absent, the motion by Senator **PARADIS** of Aroostook, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-358) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING**.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Imposing Term Limits on Legislative Leadership Positions" H.P. 546 L.D. 742

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-364)**

Minority - **Ought Not to Pass**

Tabled - May 25, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 24, 1993, Reports **READ**.)

(In House, May 24, 1993, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364)**.)

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **ESTY** of Cumberland, Tabled Unassigned, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **HUMAN RESOURCES** on Bill "An Act to Prohibit Smoking in Restaurants" H.P. 496 L.D. 654

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-357)**

Minority - **Ought Not to Pass**

Tabled - May 25, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 25, 1993, Reports **READ**.)

(In House, May 24, 1993, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)