

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
State of Maine

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Representative:
PLOWMAN of Hampden

Which Reports were **READ**.

On motion by Senator **LONGLEY** of Waldo, the Majority
UGHT TO PASS AS AMENDED Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-227) **READ** and **ADOPTED**.

The Bill as Amended, **LATER TODAY ASSIGNED FOR
SECOND READING**.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the
following:

House As Amended

Resolve, Authorizing Robert O'Malley to Sue the State
H.P. 201 L.D. 254
(C "A" H-337)

Bill "An Act to Modify the Prequalification Laws to Allow the
Disqualification of Contractors for a Time Not to Exceed One
Year"
H.P. 285 L.D. 349
(C "A" H-343)

Bill "An Act to Provide Equal Political Rights for Classified
State Employees"
H.P. 740 L.D. 1004
(C "A" H-429)

Which were **READ A SECOND TIME** and **PASSED TO BE
ENGROSSED, As Amended**, in concurrence.

Senate

Bill "An Act to Repeal the Requirement That Victualers Be
Licensed by a Municipality"
S.P. 563 L.D. 1720

Resolve, Authorizing the Town of Southwest Harbor to
Refinance Certain Temporary Bond Anticipation Notes Issued for
Its Water Project (Emergency)
S.P. 619 L.D. 1822

Which were **READ A SECOND TIME** and **PASSED TO BE
ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify the Reimbursement of Legislators'
Expenses"
S.P. 100 L.D. 379
(C "A" S-223)

Bill "An Act to Establish the Maine Compassionate Use Act"
S.P. 319 L.D. 1059
(C "A" S-219)

Resolve, to Establish a Maine Mobility Fund Task Force
(Emergency)
S.P. 429 L.D. 1377
(C "A" S-206)

Which were **READ A SECOND TIME** and **PASSED TO BE
ENGROSSED, As Amended**.

Sent down for concurrence.

Bill "An Act to Ban All Smoking within Workplaces,
Restaurants and Public Accommodations"
S.P. 134 L.D. 413
(S "A" S-225 to
C "A" S-198)

Which was **READ A SECOND TIME**.

Senator **DAGGETT** of Kennebec moved to **INDEFINITELY
POSTPONE** the Bill and Accompanying Papers.

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

Senator **DAGGETT:** Thank you Mr. President and members
of the Senate. I haven't spoken on this issue before and I would
just like to make a few remarks. One of the items that has been
missing, in my opinion, in this debate regarding the issue of
smoking, all the studies that we've seen show that in addition to
taxes, to legislation, there has to be a community component.
That has been very well established. In order to have an effect
on behavior, you need to have the people in the community make
it very clear where they stand. I would suggest to you that the
legislature has done a lot to get this ball rolling, as far as setting
a standard regarding smoking. It's time for members of the
community to step forward and say to their restaurants, to their
beanos, "We would like a place that does not have smoking."
Now, I just got a note a few days ago, in the mail, from a group of
constituents saying that they would like to have a smoke-free
beano place, an area that's smoke-free. They hadn't talked to
the club. They hadn't gone there. They sent me the letter and
said they heard there was a law that if they wanted a smoke-free
place that they could ask their legislator and the legislator would
see to it. I wish that was the way things were, that if people had
a problem they could speak to us and we could see to it. But, it's
appropriate for those people who want that service or want that
accommodation to begin to make that known. I forwarded the list
of suggestions and sent a note back. Our constituents now need
to make it known. I can remember when hospitals came here to
ask the legislature to declare their buildings smoke-free because
they were reluctant to do it. Now, we've had statistics on our
desks that have told us that smoke-free restaurants have done
much more business and nothing has been hurt. People have
been thrilled. Private business will respond.

The other concern I have is that some of these small places
have already spent a lot of money to put in exhaust systems and
to set up a situation where they can try to accommodate the
issue of smoking and now we're saying, "Well, we really don't
care what you've done to make an accommodation, now we're
going to ban it completely." It concerns me that a place like

States, in Hallowell, doesn't have a separate lounge area. I'm not sure what they're going to do. They're a small place. They're very concerned about this and I think there are a number of others, but I think if those people that patronize that restaurant make their views known, the private sector will respond. I hope you'll support the motion to indefinitely postpone.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Mr. President, ladies and gentlemen of the Senate. I'm sorry to be debating this once again, particularly since the indefinite postponement we voted on previously got the largest margin opposed of all the votes we've taken in the last 48 hours. I would like to point out a few economic factors which, to me, makes it perfectly reasonable to be addressing this at a state level. In studies done by the Washington Business Group on Health, employees who smoke cost an employer \$8,000 to \$10,000 more per year than nonsmoking employees. The average smoker misses 2.2 more days of work each year than the nonsmoker. Heavy smokers experience 18% higher medical claims and spend 25% more days in the hospital each year and were far more likely to have annual medical claims over \$5,000 than nonsmokers. 340 high-risk employees incurred \$7.6 million in healthcare charges and health insurance claims averaged \$234 per month, per member. Among employees 35 to 64 who smoked, health insurance claims average \$1,864 per month or \$19,560 per year more than the average cost for all state employees. I hope you will defeat the pending motion. Thank you.

Off Record Remarks

The Chair noted the presence of the Senator from Knox, Senator **PINGREE**, the Senator from Somerset, Senator **MILLS**, and the Senator from Kennebec, Senator **TREAT**.

On motion by Senator **GOLDTHWAIT** of Hancock, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

ROLL CALL

YEAS: Senators: AMERO, BENOIT, CASSIDY, DAGGETT, HALL, HARRIMAN, KILKELLY, LIBBY, MICHAUD, MITCHELL, O'GARA, SMALL

NAYS: Senators: ABROMSON, BENNETT, BUTLAND, CATHCART, CLEVELAND, FERGUSON, GOLDTHWAIT, JENKINS, LAFOUNTAIN, LONGLEY, MACKINNON, MILLS, MURRAY, NUTTING, PARADIS, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

ABSENT: Senators: CAREY, PENDLETON

EXCUSED: Senator: KIEFFER

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being absent and 1 Senator being excused, the motion by Senator **DAGGETT** of Kennebec to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, **FAILED**.

Which was **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act to Encourage Collaboration and Cooperation among Agencies in the Interests of Juveniles within the Juvenile Court System
H.P. 376 L.D. 521
(C "A" H-379)

An Act to Clarify the Laws Regarding the Board of Licensure in Medicine and Ensure That Physician Discipline Is Reported to the Appropriate Licensing Board
H.P. 394 L.D. 539
(C "A" H-359)

An Act to Make Appeals to the Law Court From Revocation of Probation Proceedings Conditional and to Clarify the Matter of Bail Pending Final Disposition of a Motion for Revocation of Probation
H.P. 397 L.D. 542
(C "A" H-377)

An Act to Create a Helper Registration Category, to Exempt Certain Persons from Licensure under the Propane and Natural Gas Act and to Eliminate the Tagging Requirement
H.P. 546 L.D. 737
(C "A" H-358)

An Act Increasing from 12 Hours to 18 Hours the Time Limit for Registering Deer and Bear
H.P. 643 L.D. 896
(C "A" H-370)

An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State
S.P. 294 L.D. 945
(C "A" S-98)

An Act to Ensure That Crime Victims Are Informed of Their Rights
H.P. 783 L.D. 1071
(C "A" H-381)

An Act to Provide Flexibility and Costs-savings in Department of Transportation Property Acquisition Procedures
H.P. 1049 L.D. 1466
(C "A" H-362)

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.