

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Nineteenth Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 2, 1998 – May 12, 1999

was taken. 109 voted in favor of the same and 0 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 18, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass** - Minority (3) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Fixed Number of Signatures on Initiative Referenda Petitions

(S.P. 219) (L.D. 641)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED.**

TABLED - March 18, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS** Report.

On motion of Representative TUTTLE of Sanford, **TABLED** pending his to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

Resolve, to Name the Route 160 Bridge in Brownfield Spanning the Saco River the Charles E. Hill Bridge (EMERGENCY)

(H.P. 551) (L.D. 772)

TABLED - March 18, 1999 (Till Later Today) by Representative JABAR of Waterville.

PENDING - **FINAL PASSAGE.**

On motion of Representative JABAR of Waterville, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED.**

The same Representative **PRESENTED** House Amendment "A" (H-65) which was **READ** by the Clerk and **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-65) in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

**BILLS IN THE SECOND READING**

**House**

Bill "An Act to Protect Citizens from the Detrimental Effects of Tobacco"

(H.P. 951) (L.D. 1349)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative PERKINS of Penobscot, was **SET ASIDE.**

The same Representative **PRESENTED** House Amendment "A" (H-72) which was **READ** by the Clerk.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. From my perspective the very best argument on the side of the majority for the passage of the ban on smoking in restaurants was the concern of the employees. My amendment would simply exempt those restaurants that were completely owned, operated and staffed by family members. These people would be over 18 years of age. It would be entirely their choice. It seems to me that we have got to make exceptions for some of these small family businesses when we do these blanket bans. As you can see in the amendment, the immediate family is pretty well defined, I think. It means a person's offspring, 18 years old or over, and parents or spouse. I would appreciate your consideration. Thank you.

Representative KANE of Saco moved that House Amendment "A" (H-72) be **INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** House Amendment "A" (H-72).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-72). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 33**

YEA - Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bryant, Bull, Bumps, Cameron, Chick, Chizmar, Cianchette, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Glynn, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Matthews, Mayo, McGlocklin, McKee, McKenney, McNeil, Murphy E, Muse, Norbert, O'Brien, Peavey, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Sirois, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Bragdon, Brooks, Buck, Campbell, Carr, Clark, Clough, Cross, Dunlap, Fisher, Foster, Gerry, Gillis, Goodwin, Gooley, Hatch, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, MacDougall, Mack, Martin, Marvin, McAlevey, Mendros, Murphy T, Nass, Nutting, O'Neal, Perkins, Perry, Pinkham, Plowman, Richardson E, Rines, Saxl JW, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stedman, Tobin J, Treadwell, True, Waterhouse, Wheeler EM, Winsor.

ABSENT - Andrews, Green, Labrecque, McDonough, Mitchell, O'Neil, Samson, Shiah, Tobin D.

Yes, 87; No, 54; Absent, 9; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 9 being absent, House Amendment "A" (H-72) was **INDEFINITELY POSTPONED.**

Representative SHIELDS of Auburn **PRESENTED** House Amendment "B" (H-73) which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Men and Women of the House. In my over 30 years of practice of medicine in this state, I have seen a lot of bad effects of tobacco. I have been definitely anti-tobacco. On my committee, however, Health and Human Services, this bill came forward and it was flawed. I had to vote against it because it created an uneven competitive system situation in the restaurant business. It was pointed out that the bill only addressed Class A restaurants and across the street was a Class A restaurant and lounge which would be exempt. I looked up the language in the law. The Class A restaurant is a reputable place operated by responsible people of good reputation. A Class A restaurant/lounge is the same thing. It is regularly used for purposes of providing full course meals to the public on the premises. It is regularly used for purposes of providing full course meals for the public on premises. So does a Class A restaurant/lounge. It is equipped with separate and complete kitchen that provides adequate dining room equipment. So does a Class A restaurant/lounge. It has a capacity for preparing and serving full course meals on the premises. So does a Class A restaurant/lounge.

The problem in the law as we passed it was that in Section 5, a restaurant does not include the establishment that according to his licensure requirements under 28A, generally prohibiting minors. That is a very unclear language. The language in the current statutes about Class A restaurants says, "A Class A restaurant/lounge is not a Class A restaurant." The only difference between these two classifications is that after 9:00 p.m. a Class A restaurant/lounge serves liquor and does not serve any further full course meals. Other than that, it is no different than a Class A restaurant. If we feel that the law is unclear as to Class A restaurants/lounges being included or not, my amendment simply addresses that and makes it very clear in the language as to what was distributed today in this pink flyer which says it creates a smoke free environment in all restaurants, Class A restaurants and Class A restaurants/lounges. Therefore, I think to make the situation completely clear insert the language in amendment "B" and we will go forward. Thank you.

Representative KANE of Saco moved that **House Amendment "B" (H-73)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "B" (H-73)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-73). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 34**

**YEA** - Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bruno, Bryant, Bull, Chick, Chizmar, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mack, Madore, Mailhot, Martin, Matthews, McGlocklin, McKee, McNeil, Murphy E, Muse, Norbert, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Sirois, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

**NAY** - Ahearne, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Buck, Bumps, Cameron, Campbell, Carr, Clark, Clough, Collins, Cross, Daigle, Dugay, Foster, Gerry, Gillis, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lindahl, Lovett, MacDougall, Marvin, Mayo, McAlevey, McKenney, Mendros, Murphy T, Nass, Nutting, O'Brien, O'Neal, Peavey, Perkins, Pinkham, Plowman, Rosen, Savage C, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanwood, Stedman, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

**ABSENT** - Andrews, Cianchette, Green, Labrecque, McDonough, Mitchell, O'Neil, Samson, Shiah, Tobin D.

Yes, 76; No, 64; Absent, 10; Excused, 0.

76 having voted in the affirmative and 64 voted in the negative, with 10 being absent, **House Amendment "B" (H-73)** was **INDEFINITELY POSTPONED**.

Representative **LEMOINE** of Old Orchard Beach **PRESENTED House Amendment "C" (H-74)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. House Amendment "C" is simply an amendment that gives this bill an effective date. Maine Class A restaurants will be smoke free soon. My concern and the reason I have brought forth this amendment is I would like to avoid the disruption which is likely to occur at that transition point so that it does not occur on Labor Day weekend. I think there is a real chance that if the schedule unfolds as we expect it may this spring, it could be Labor Day weekend when this becomes effective. I don't see a particular need to impose that kind of disruption during the end of the tourism season and one of the peak weekends of the year. I would ask the House to support that motion. Thank you.

Representative **KANE** of Saco moved that **House Amendment "C" (H-74)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "C" (H-74)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-74). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 35**

**YEA** - Baker, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Bruno, Bryant, Cameron, Chick, Chizmar, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Duplessie, Etnier, Foster, Frechette, Fuller, Gagne, Gagnon, Glynn, Jabar, Jacobs, Jodrey, Joy, Kane, Kneeland, LaVerdiere, Lindahl, Lovett, MacDougall, Mailhot, Martin, Matthews, McGlocklin, McKee, McNeil, Muse, Norbert, Peavey, Pieh, Povich, Powers, Quint, Richardson E, Richardson J, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sirois, Skoglund, Stanwood, Stedman, Stevens, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

**NAY** - Ahearne, Bagley, Belanger, Bowles, Bragdon, Brooks, Buck, Bumps, Campbell, Carr, Cianchette, Clark, Clough, Collins, Cross, Dugay, Dunlap, Fisher, Gerry, Gillis, Goodwin, Gooley, Hatch, Heidrich, Honey, Jones, Kasprzak, Lemoine, Lemont, Mack, Madore, Marvin, Mayo, McAlevey,

McKenney, Mendros, Murphy E, Murphy T, Nass, O'Brien, O'Neal, Perkins, Perry, Pinkham, Plowman, Richard, Rines, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Sullivan, Tessier, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM.

ABSENT - Andrews, Bull, Green, Labrecque, McDonough, Mitchell, Nutting, O'Neil, Samson, Shiah, Tobin D.

Yes, 76; No, 63; Absent, 11; Excused, 0.

76 having voted in the affirmative and 63 voted in the negative, with 11 being absent, **House Amendment "C" (H-74)** was **INDEFINITELY POSTPONED**.

Representative SAXL of Bangor **PRESENTED House Amendment "D" (H-76)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. This is the amendment about which I spoke earlier today. The amendment strikes the bill entirely and repeals existing laws governing smoking in restaurants and enacts provisions allowing for smoking in food and beverage service establishments only if the establishments adhere to ventilation standards set forth in this amendment. It goes on to speak about negative pressure and particular matter in the air. I encourage you to vote for this.

Representative **KANE** of Saco moved that **House Amendment "D" (H-76)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "D" (H-76)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-76). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 36

**YEA** - Bagley, Baker, Belanger, Berry RL, Bolduc, Bowles, Brennan, Bruno, Bryant, Bull, Bumps, Cameron, Chick, Chizmar, Cianchette, Collins, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Duplessie, Etnier, Foster, Frechette, Fuller, Gagne, Gagnon, Glynn, Gooley, Jabar, Jacobs, Jodrey, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Martin, Matthews, Mayo, McGlocklin, McKee, McKenney, McNeil, Muse, Norbert, O'Brien, Peavey, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Sirois, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Trahan, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

**NAY** - Ahearne, Berry DP, Bouffard, Bragdon, Brooks, Buck, Campbell, Carr, Clark, Clough, Cross, Dugay, Dunlap, Fisher, Gerry, Gillis, Goodwin, Hatch, Heidrich, Honey, Jones, Joy, Kasprzak, Mack, Madore, Mailhot, Marvin, McAlevey, Mendros, Murphy E, Murphy T, Nass, O'Neal, Perkins, Perry, Pinkham, Plowman, Rines, Rosen, Saxl JW, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stedman, Tobin J, Tracy, Treadwell, True, Waterhouse, Wheeler EM, Winsor.

ABSENT - Andrews, Green, Labrecque, McDonough, Mitchell, Nutting, O'Neil, Samson, Shiah, Tobin D.

Yes, 87; No, 53; Absent, 10; Excused, 0.

87 having voted in the affirmative and 53 voted in the negative, with 10 being absent, **House Amendment "D" (H-76)** was **INDEFINITELY POSTPONED**.

Representative **CLARK** of Millinocket **PRESENTED House Amendment "E" (H-77)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will support me with House Amendment "E." All it does is bring under the roof right now Class A lounges. In my district I have a Class A lounge/restaurant on one side of the street and on the other side of the street I have Class A lounge. Under what we voted on earlier today, that Class A lounge/restaurant is in the smoking ban. Across the street is not. Let's make it all fair for everybody. I don't mind if they smoke in the taverns or the hotel lounges, but let's make it fair for everybody else. Thank you.

Representative **KANE** of Saco moved that **House Amendment "E" (H-77)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "E" (H-77)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-77). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 37

**YEA** - Bagley, Baker, Berry DP, Berry RL, Bouffard, Bragdon, Brennan, Bruno, Bull, Bumps, Cameron, Chick, Chizmar, Cianchette, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Jacobs, Jodrey, Kane, Kneeland, Lemoine, Lemont, Lovett, Mack, Madore, Mailhot, Matthews, McGlocklin, McKee, McNeil, Mendros, Murphy T, Muse, Norbert, O'Brien, Peavey, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Sirois, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

**NAY** - Ahearne, Belanger, Bolduc, Bowles, Brooks, Bryant, Buck, Campbell, Carr, Clark, Clough, Collins, Cross, Dugay, Duplessie, Foster, Gerry, Gillis, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jones, Joy, Kasprzak, LaVerdiere, Lindahl, MacDougall, Martin, Marvin, Mayo, McAlevey, McKenney, Murphy E, Nass, O'Neal, Perkins, Pinkham, Saxl JW, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Winsor.

ABSENT - Andrews, Green, Labrecque, McDonough, Mitchell, Nutting, O'Neil, Samson, Shiah, Tobin D.

Yes, 83; No, 57; Absent, 10; Excused, 0.

83 having voted in the affirmative and 57 voted in the negative, with 10 being absent, **Amendment "E" (H-77)** was **INDEFINITELY POSTPONED**.

On motion of Representative **SAXL** of Portland, **TABLED** pending **PASSAGE TO BE ENGROSSED** and later today assigned.