

MAINE STATE LEGISLATURE

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Committee Amendment "A" (S-34) **READ** and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Pete Pedersen, 1999 Maine Teacher of the Year. He is a math teacher at Vinalhaven High School. Pete is also a tenth generation Maine islander, originally from Peaks Island in Portland. He is the guest of the Senator from Knox, Senator Pingree. Would he please rise and receive the greetings of the Senate.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President. Women and men of the Senate, this is truly a day for recognizing some of our heroes and I'm not sure I can do it as eloquently as my colleagues but I just wanted to add a little bit about one of my heroes and a truly wonderful teacher, Pete Pedersen from Vinalhaven. He is here today because we are recognizing the 23 nominees for Maine's Teacher of the Year 2000 and he will be speaking this afternoon to that group who, one of them, will join him in this great honor.

I just want to say a little bit about this recognition. Pete has been a math teacher on Vinalhaven for 23 years and I have to say that being a teacher on an island is not easy, just like being a teacher in many of Maine's small towns. When you live on an island and you teach school you can't commute home to the next town at the end of the day. In fact, you're stuck there every day and when you go to the store or when you go to the gas station or you go down to buy lobsters at the wharf, everybody has something to say to you about how you teach school, how you corrected their son's or daughter's last paper, and about how they think that you could do it. I think all of the teachers who dedicate themselves to teaching on islands have our great respect and appreciation. Pete is certainly one. Pete is not only known as a wonderful teacher but he is known as a real outstanding member of our community. He is involved in a tremendous number of community activities. Cooks breakfast at the church every Sunday morning, has a card party at his house every Friday night for some of the senior women who love to spend time with him, and is also the keeper of seven or eight stray cats who he takes care of and is known for giving them good care.

For Pete to receive this honor as Teacher of the Year is an honor that is truly well deserved. Not only is he an excellent math teacher, he has also led the math team for many years. And since 1991 they have been the winners of the math competition in their region in the state of Maine and since 1993 have been nationally recognized. He's brought the team to places as far afield as Hawaii, Alaska, Florida, Louisiana and Ohio. He often makes sure that the kids make enough money to take a trip while they're gone and for these kids who have grown up on an island of 1,200 people and many of whom never traveled as far as Boston, this has been a truly wonderful experience. I just have to say in closing that Pete truly is a wonderful teacher, one of those rare teachers who has an excellent rapport with his students, who is trusted by them as a personal friend as well as a great teacher. In the math team and

what he's done with them, he's truly shown kids that there are possibilities that they never imagined possible and opened their eyes to places that they never thought they could visit. So I thank you all for recognizing him today. I thank Pete for his great work on behalf of our island communities and know that we all appreciate him very much.

Off Record Remarks

SECOND READERS

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

House

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

H.P. 951 L.D. 1349

READ A SECOND TIME.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "A" (S-35) **READ**.

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

Senator **HARRIMAN:** Thank you very much, Mr. President. Good morning ladies and gentlemen of the Senate. I present to you today Senate Amendment "A" that will eliminate the exemption for smoking in hotel lounges, Class A lounges, Class A restaurants, and lounges and taverns. I do so because yesterday we learned through an overwhelming vote in this body as well as in the other that workplace safety includes second hand tobacco smoke. The message we sent through that vote was that this is one of our most menacing workplace problems. If we care enough about the workers who are working in Class A restaurants than I say to you we ought to care about the people who are working in hotels, lounges, bars, and taverns. This Amendment will affirm to those people who work in these environments that we care just as much about them as we do about people who work in restaurants. So I hope that you will join me in supporting the pending motion so that we can improve the workplace for everyone who works in this industry. Thank you, Mr. President.

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

Senator **PARADIS:** Thank you Mr. President. Men and women of the Senate, I dealt with this issue yesterday, but happy to repeat it today. We have been doing the smoking ban in incremental stages. This is what we have accomplished this year and we would like to keep the Bill as it is. We are very well aware of the issues of smoking in this state and the tremendous cost to the taxpayers of taking care of people who are very ill at this time with cancer. It's a huge cost to the State of Maine and

so I urge defeat of this motion to leave the Bill as it stands.
Thank you.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#44)

YEAS: Senators: ABROMSON, BENNETT, HARRIMAN, KIEFFER, LIBBY, MITCHELL, NUTTING

NAYS: Senators: AMERO, BENOÎT, BERUBE, CAREY, CASSIDY, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

EXCUSED: Senator: CATHCART

7 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HARRIMAN** of Cumberland to **ADOPT** Senate Amendment "A" (S-35), **FAILED**.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "B" (S-36) **READ**.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I offer to you Senate Amendment "B" to LD 1349. As it is obvious from our last vote that this is really not an issue about workplace safety but rather, as my good friend from Aroostook, Senator Paradis, has indicated that this is something we're going to do incrementally. That we're going to address this problem in the workplace a little bit at a time and I presume that means that at some future date we'll be back to address the issues that the Amendment I had before you that Failed tried to address today. With that vote, Mr. President, it now is clear that what we are doing is we are creating an environment where many of the people who are in your district and in fact in mine, who operate facilities are going to be put at a disadvantage. Let me explain to you why. Currently if you are a Class A restaurant you pay an \$800 license fee and the legislation that passed here yesterday would prohibit smoking in that environment. If you are licensed as a lounge, you pay a \$2,100 fee for this license and as of the vote that we've taken today you will be able to smoke. You can also have another license that is a restaurant/lounge. That fee is \$1,500. There are 184 of these licenses around the state who are both a restaurant and a lounge. As a result of the vote that has been taken, those businesses will now have to make a choice. Let me just share with you one example of the facilities in my district and I know there are many in yours as well. One of them is named Joshua's Tavern. The other is known as Benzoni's Brick Oven Pizza. Both operate a small

family business on Main Street in Brunswick. Now that this legislation has passed, they are going to have to make a choice. If they want to operate as a lounge where they can allow smoking, they will have to say no to all of their Bowden College student clientele who are under age 21 because they are not allowed in lounges. If they say well we're going to operate as a restaurant, not as a lounge therefore no smoking will be allowed, their smoking customers will now have an open invitation to go to one of their competitors down the street, creating an unlevel and unfair playing field. What's ironic, at least to me and hopefully to you as well, is that both restaurants and lounges serve food. A so-called limited menu is allowed in taverns and lounges which enables them to serve alcohol as well as food and by your vote enables them to allow smoking, which is unfair. What I propose in Amendment "B" is that anyone who holds a license as of March 1, 1999 who holds a license as a restaurant/lounge maintains the exemption that you have created for lounges and taverns and lets the customers and the small business owners decide how to operate their own business. If as my good friend from Aroostook, Senator Paradis, indicates we will incrementally come back and address taverns and lounges, then we can address this issue as well. But in the meantime let's keep it fair for all of the businesses who are serving alcohol and a limited menu. This Amendment does that and I hope you will join me in supporting it. I thank you very much, Mr. President.

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

Senator **PARADIS:** Thank you, Mr. President and men and women of the Senate. None of us can presume what the 120th Legislature is going to be doing, what Bills they will be proposing. I urge you to defeat this Amendment. Thank you.

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

Senator **DOUGLASS:** Mr. President, reading this Amendment it is clear that it establishes a grandfather clause to certain restaurants that have certain types of licenses as of a certain date. That would create an unequal playing field, in fact, because what would happen is then you're creating an incentive against new business. Small business is the life blood of our economy in Maine. Restaurants are part of that economy. We must do what we can to make sure that the playing field is level. This establishes a grandfather clause for those businesses in a certain category and that is not the way we should be doing business. I will vote against it.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, it is the small business person that I'm standing up for today. I'm standing up for the Siatras family and the Kyle family and many others who have invested their hard earned money, they put their net worth on the line to borrow money to operate a business within the scope of the law that in this case involved putting in expensive ventilation equipment to comply with the law to meet the needs of their customers. Without this Amendment, we're going to put these businesses, and their capital at risk, for the investments they made under our laws, and we're going to invite their customers to go somewhere else. It seems to me that this Amendment says to them we respect the fact that you've made this investment. We respect the fact that your competitors are going to be allowed to have customers who are allowed to smoke while yours can't. This gives them an opportunity

to continue to run their business without an unfair competitive disadvantage as we move forward, apparently in future Sessions, to rid all workplaces of tobacco smoke. Thank you, Mr. President.

The Chair ordered a Division.

On motion by Senator **HARRIMAN** of Cumberland, 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 opened the vote.

ROLL CALL (#45)

YEAS: Senators: CAREY, CASSIDY, HARRIMAN, KIEFFER, KILKELLY, KONTOS, LIBBY, MICHAUD, MITCHELL

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, LAFOUNTAIN, LONGLEY, MACKINNON, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

EXCUSED: Senator: CATHCART

9 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HARRIMAN** of Cumberland to **ADOPT** Senate Amendment "B" (S-36), **FAILED**.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "C" (S-37) **READ**.

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

Senator **HARRIMAN:** Thank you very much, Mr. President. I thank you very much fellow colleagues, men and women of the Senate, for indulging me here this morning. Senate Amendment "C" clarifies, at least what I've heard from the Director of the Bureau of Health and from Health and Human Service Committee members. It says that in a separate room used in a facility that provides food for private functions that the exemption for non-smoking would apply to that private facility. Thank you, Mr. President.

Senator **MILLS** of Somerset requested a Division.

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

Senator **PARADIS:** I just want to urge people to vote against this Amendment. Thank you.

At the request of Senator **MILLS** of Somerset a Division was had. 9 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being

excused, the motion by Senator **MILLS** of Somerset to **ADOPT** Senate Amendment "C" (S-37), **FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#46)

YEAS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CAREY, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, KONTOS, LAFOUNTAIN, LIBBY, LONGLEY, MACKINNON, MICHAUD, MILLS, MITCHELL, MURRAY, NUTTING, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, SMALL, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: CASSIDY, DAGGETT, HARRIMAN, KIEFFER, KILKELLY, O'GARA

EXCUSED: Senator: CATHCART

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

Senate As Amended

Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"

S.P. 203 L.D. 592
(C "A" S-29)

READ A SECOND TIME.

On motion by Senator **PINGREE** of Knox, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/10/99) Assigned matter:

Bill "An Act to Authorize a Local Option Tax on Wages Earned in a Municipality"

S.P. 637 L.D. 1804