

# MAINE STATE LEGISLATURE

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

**Volume I**

**First Regular Session**

December 6, 2000 – May 17, 2001

Pages 1-889

Yes, 76; No, 62; Absent, 13; Excused, 0.

76 having voted in the affirmative and 62 voted in the negative, with 13 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

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An Act to Eliminate the Use of Tobacco in Maine Schools and on School Grounds

(H.P. 482) (L.D. 622)  
(C. "A" H-123)

TABLED – May 1, 2001 (Till Later Today) by Representative SKOGLUND of St. George.

PENDING – Motion of same Representative to **INDEFINITELY POSTPONE** Bill and accompanying papers.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. We make the assumption here that when no one speaks against a bill, it is a good idea and should be passed. No one spoke against this on the floor. I remained silent when it came by. It was late in the evening and it just did not appear to be a teachable moment to me. I let it go and then I thought that I do have to say something about it.

I had the good fortune of teaching with Arlie Clark from Union. She taught English in Thomaston Grammar School. She also wrote a column for the Camden paper, which was published in a book from the orange mailbox, which some of you might have read. Arlie Clark was a great observer and a great storyteller. She told a little story that illustrates a type of behavior that I have never heard explained quite so well in any other way. She spoke of a fellow that she knew when she was a child who used to beat his pig just to show him who was boss. Once in a while she would say, he is just beating the pig to show who is boss. If you have ever had pigs, you know that they are rather obstinate creatures. If you try to move one, they don't want to go. They have bad behaviors and sometimes objectionable attitudes. That probably justified in the man's mind his beating the pig with a plank just to show him who is boss, to correct his poor attitude.

We have to be careful that we don't fall into that trap as individuals or in a group of beating the pig just to show him who was boss. A person who has the power over someone else can fall into that trap.

This bill that I am speaking against would eliminate smoking anywhere on school property at anytime by anyone. The amendment adds any property rented by a school. We are casting a wide net. Therefore, if the fellow plowing snow in the wintertime comes onto the school grounds, smoking, he is in violation of state law. People working in the summertime rehabilitating a school building, even on the outside of working on construction, could not smoke anywhere on school grounds. A fellow mowing the expansive lawns with a tractor in the summer, as our school janitor did for over 30 years with a pipe in his mouth, would no longer be able to smoke. I don't know just what it would prove or just who it would benefit if that janitor has been smoking the last 30 years, but apparently it is imperative that he not smoke that way anymore.

I really don't see that this law is necessary. I think what it does is it trivializes the law. To tell a fellow plowing snow he can't smoke on the school grounds while he is plowing, trivializes

the law. It makes lawbreakers out of otherwise honest law abiding citizens. A lot of people are going to say that they are just not going to abide by that law. It holds the Legislature up to ridicule. When you go home, that janitor says, what is the idea of prohibiting smoking anywhere on school grounds at anytime, and you explain to him calmly, but in a firm tone that this is a health issue. That janitor is not going to say to you, thank you for sharing that with me.

We do have the authority to ban smoking on school grounds. It might be nice if no one had the habit, but the fact of the matter is, a lot of people do. I would urge you to vote against this bill and vote to Indefinitely Postpone it and all accompanying papers. Thank you.

Representative RICHARD of Madison **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. My question is, when the committee discussed this issue, why did the committee decide not to leave it to the jurisdiction of our local school boards to make that decision for each individual school district?

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 85**

YEA - Annis, Ash, Berry DP, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bryant, Buck, Bumps, Canavan, Carr, Chase, Chizmar, Clark, Clough, Collins, Crabtree, Daigle, Davis, Dorr, Dugay, Duncan, Dunlap, Duplessie, Duprey, Fisher, Foster, Fuller, Gerzofsky, Glynn, Gooley, Green, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Kasprzak, Koffman, Labrecque, Landry, Lundeen, MacDougall, Madore, Mailhot, Marley, Mayo, McGlocklin, McGowan, McKenney, Mendros, Michael, Michaud, Morrison, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, Paradis, Perkins, Pinkham, Richardson, Rines, Rosen, Sherman, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Andrews, Bagley, Baker, Belanger, Berry RL, Bruno, Bull, Chick, Colwell, Cote, Cowger, Cressey, Cummings, Desmond, Estes, Etnier, Gagne, Hutton, Jodrey, Jones, Kane, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Matthews, McDonough, McLaughlin, McNeil, Murphy E, Norbert, Norton, O'Neil, Patrick, Peavey, Pineau, Povich, Richard, Savage, Schneider, Shields, Simpson, Stanley, Tuttle, Usher, Weston, Young.

ABSENT - Bliss, Bunker, Dudley, Goodwin, Hall, Lovett, Marrache, McKee, Mitchell, Muse C, Muse K, Perry, Quint, Stedman, Twomey, Watson.

Yes, 87; No, 48; Absent, 16; Excused, 0.

87 having voted in the affirmative and 48 voted in the negative, with 16 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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