

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-First Legislature  
State of Maine

Volume 1

First Regular Session  
December 4, 2002 to May 20, 2003

Pages 1 - 714

**ENACTORS**

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

**Act**

An Act To Increase the Collection of Child Support  
H.P. 459 L.D. 629  
(C "A" H-194)

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

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Out of order and under suspension of the Rules, the Senate considered the following:

**ENACTORS**

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

**Emergency Resolve**

Resolve, Directing the Community Preservation Advisory Committee To Study Issues Pertaining to Barriers to Affordable Housing in the State

H.P. 364 L.D. 472  
(C "A" H-145)

Comes from the House, **FAILED FINAL PASSAGE.**

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in **NON-CONCURRENCE.**

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later (5/5/03) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ban Smoking in Beano and Bingo Halls"

H.P. 186 L.D. 227

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 5, 2003, by Senator **BRENNAN** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, May 1, 2003, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

(In Senate, May 5, 2003, Reports **READ.**)

On motion by Senator **BRENNAN** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

Under suspension of the Rules, **READ TWICE.**

On motion by Senator **CATHCART** of Penobscot, Senate Amendment "A" (S-112) **READ.**

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

Senator **CATHCART:** Thank you, Madame President. This is a very simple amendment. I ask you to support it. It simply exempts federally recognized Indian tribes bingo activities from this law. This would apply to the Indian Island High Stakes Bingo, which has been very successful. They have asked me to present this amendment for them because they feel that it is not necessary to ban smoking in their building. They have purchased over \$1 million worth of air purifying equipment. They have a section that is designated for non-smokers to further protect them. It just seems that they have a good reason for being exempt. I ask you to support this. Thank you.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I'd ask you to reject this amendment. The Health and Human Services Committee did consider this issue in our deliberations on this bill. We decided that this type of exemption for these particular bingo and beano halls for high stakes bingo run by Native Americans was not warranted at this time. So I ask you to reject this amendment.

On motion by Senator **BRENNAN** 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 (#51)**

YEAS: Senators: BRYANT, CATHCART, DAMON, DOUGLASS, GAGNON, HATCH, MITCHELL, NASS, PENDLETON, SAWYER, STANLEY, WESTON, YOUNGBLOOD

NAYS: Senators: BENNETT, BLAIS, BRENNAN, BROMLEY, CARPENTER, DAVIS, EDMONDS, GILMAN, KNEELAND, LAFOUNTAIN, LEMONT, MARTIN, MAYO, ROTUNDO, SAVAGE, STRIMLING, TREAT, TURNER, WOODCOCK, THE PRESIDENT - BEVERLY C. DAGGETT

ABSENT: Senators: HALL, SHOREY

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **CATHCART** of Penobscot to **ADOPT** Senate Amendment "A" (S-112), **FAILED**.

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed.

Senator **CATHCART** of Penobscot requested a Division.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Madame President. I have supported all the laws that we have passed about smoking in public places, but I have drawn the line here. There are small community organizations in our towns that have beano on Friday or Saturday night. I draw the line at telling them, in this small group without employees, that they now have to be non-smoking. Some of them have done this voluntarily. I have to tell you that they probably have more members come. I still want to give them the right to choose. Thank you very much.

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

Senator **BRYANT:** Thank you, Madame President, men and women of the Senate. I, too, have been here before, and when we passed some of the smoking regulations, I voted for them. We drew the line to certain areas. The beano halls in most towns have the option. There are smoking facilities and there are non-smoking facilities. I think the options are available to everybody. I don't think that we need to mandate this law within the beano halls. So I would encourage you to vote against the pending motion.

Senator **BRYANT** of Oxford requested a Roll Call.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I hope you will support the pending motion. This is a very straightforward bill. It eliminates smoking in beano and bingo halls. The question is, why are we here, even having this discussion about this, when, in fact, we've already had a number of bills that have had to do with restricting smoking in public places? Well, let me tell you. In 1993 or 1994, the legislature addressed issues of smoking in public places. At that time the Health and Human Services Committee discussed this issue. One person on the committee said, 'I think we should exempt beano and bingo halls.' Everybody else on the committee said, 'well, I guess that is okay. We should do it.' Was there any rationale behind that? No. Was there any discussion about the impact of second hand smoke on people attending bingo and beano halls? No. It was simply one member of the committee that said, 'I think we should exempt beano and bingo halls.' So all this bill does is go back and take care of that exemption, that was really unwarranted when it was passed in 1993 or 1994, because we now recognize the effect and the impact of second hand

smoke in public facilities. I don't believe that anybody, when they go to engage in a public, open event, should be subjected to second hand smoke. Thank you.

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

Senator **CATHCART:** Thank you, Madame President, women and men of the Senate. I rise just to say that I had an important phone call at home on Sunday from a representative of one of the veterans' groups in my district. A group of those veterans from the Howland, Enfield, and Lincoln area had met on the weekend and unanimously decided to request that I speak against this legislation and vote against it. They really fear that, if this passes, it will so damage their attendance at their beano games that they won't be able to raise the money that they now use for scholarships, to send their students to the Girls and Boys State, and do other charitable activities. So out of respect for them, I am going to vote against the legislation. Thank you, Madame President.

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

Senator **BROMLEY:** Thank you, Madame President, men and women of the Senate. I have a slightly different twist on this issue. In my community, without cutbacks in education, we have begun to fund our music programs and our athletic programs more and more through proceeds from the booster clubs working at the beano halls. Actually, in my own family, we have a volunteer, who is actually in back of the chamber today, who does this work. We're having difficulty getting volunteers to do this because of the smoking. For a reason other than those you've already heard, I would respectfully ask you to support the Senator's position. Thank you.

On motion by Senator **BRYANT** of Oxford, 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 (#52)

YEAS: Senators: BENNETT, BRENNAN, BROMLEY, CARPENTER, DAMON, DOUGLASS, EDMONDS, GAGNON, LAFOUNTAIN, MARTIN, MAYO, PENDLETON, ROTUNDO, STRIMLING, TREAT, TURNER, WOODCOCK, YOUNGBLOOD, THE PRESIDENT - BEVERLY C. DAGGETT

NAYS: Senators: BLAIS, BRYANT, CATHCART, DAVIS, GILMAN, HATCH, KNEELAND, LEMONT, MITCHELL, NASS, SAVAGE, SAWYER, STANLEY, WESTON

ABSENT: Senators: HALL, SHOREY

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

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Senator **WOODCOCK** of Franklin was granted unanimous consent to address the Senate off the Record.

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On motion by Senator **TREAT** of Kennebec, **ADJOURNED** to Thursday, May 8, 2003, at 10:00 in the morning.