

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session

beginning December 5, 2012

beginning at page H-1

Resolves

Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Regulation of Consumer-owned Water Utilities

(S.P. 173) (L.D. 441)
(C. "A" S-94)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 23, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Protect Public Health at Public Institutions of Higher Education

(H.P. 318) (L.D. 468)
(C. "A" H-77)

TABLED - May 21, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I sponsored LD 468 in an effort to protect the health of our students, faculty and the general public from the harmful effects of secondhand smoke. When the public hearing was held on this bill, there was absolutely no opposition at the public hearing. In fact, the bill received a strong bipartisan Ought to Pass recommendation and was passed here in the House and in the other body unanimously with no debate. You may hear from some folks, I'm not sure if they'll speak here today, but you may hear that campuses are already doing this. The fact of the matter is we have 15 state universities and community college campuses this bill would impact, and of those 15, only six currently prohibit smoking and two are moving in the direction of prohibiting smoking, but seven have made no effort to prohibit smoking on their college campuses. We already prohibit smoking in all of our state parks and we've had no problems with that state policy. This bill is pretty straightforward. It is an effort to establish a consistent policy in all of our state universities and community colleges that will protect the health of students, faculty and the general public from the indisputable harmful effects of secondhand smoke, just as we already have done in all of our state parks. Please join me in supporting LD 468.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative who just spoke before me was right. You are going to hear that campuses are already doing this. They already have a timeline in place where they are transferring all the campuses to non-tobacco facilities. We don't need a law to make them do this. They are already going there on their own because they recognize that this is good policy for our universities. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Thank you, Mr. Speaker. Just briefly, I want to point out that seven of our campuses, six community colleges and the Maine Maritime Academy, have no plan in place to prohibit smoking on their campuses. This bill would establish a consistent policy for our public campuses so that when you go from one campus to another, you know what the policy is, no smoking. Currently, you can go to USM, no smoking; go to SMCC, smoking; go to Orono, no smoking; and so on. Across the state we have a patchwork of policies right now that is inconsistent. This would eliminate that patchwork and establish something that is consistent, that will work, just as it has done in our state parks. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I serve on the Health and Human Services Committee and we had heard lots of testimony on this law. I think it's common sense that we are moving in the direction of getting rid of tobacco and smoking on college campuses, and I encourage you to vote to do so. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Farnsworth.

Representative **FARNSWORTH**: Thank you, Mr. Speaker. I would like to support a vote in favor of this particular motion because it does represent what I consider to be a consistent policy on the part of the state, and that is to avoid not only firsthand but also secondhand smoke effects. This would take and bring the university and college system into line with that particular policy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just would like to share with you some information from some testimony we received on this bill from Ryan Low of Maine's Public Universities/ University of Maine System, whereby he says that five of the seven campuses of the University of Maine System are now tobacco free with the final two going tobacco free within the next nine months. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the Objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the Objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 137V

YEA - Beavers, Beck, Berry, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dorney, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Rochelo, Rotundo, Russell, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tipping-Spitz, Treat, Verow, Villa, Volk, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Harvell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Lockman, Long,

MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, McLean, Nadeau A, Newendyke, Nutting, Parry, Pease, Reed, Sanderson, Sirocki, Theriault, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Bolduc, Campbell R, Dion, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 85; No, 54; Absent, 12; Excused, 0.

85 having voted in the affirmative and 54 voted in the negative, with 12 being absent, and accordingly the Veto was **SUSTAINED**.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-109)** - Committee on **TAXATION** on Bill "An Act To Improve the Accuracy of Fuel Tax Reporting"

(S.P. 341) (L.D. 996)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-109)**.

TABLED - May 22, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Unanimous Committee Report.

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 Acceptance of the Unanimous Committee Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 138

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Bolduc, Campbell R, Dion, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-109)** was **READ** by the Clerk and **ADOPTED**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-109)** in concurrence.

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

An Act To Protect Vulnerable Adults from Exploitation

(H.P. 346) (L.D. 527)

(C. "A" H-189)

TABLED - May 23, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 139

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Beaudoin, Bolduc, Campbell R, Dion, Frey, Libby A, Mason, Peavey Haskell, Peterson, Pringle, Rykerson, Saxton.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.