

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fourteenth Legislature**

OF THE

**State Of Maine**

**VOLUME II**

**FIRST REGULAR SESSION**

May 10, 1989 to June 14, 1989

Tabled - May 26, 1989, by Senator GAUVREAU of Androscoggin.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-190) AS AMENDED BY SENATE AMENDMENT "B" (S-167) thereto, in NON-CONCURRENCE

(In House, May 17, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-190).)

(In Senate, May 19, 1989, READ A SECOND TIME.)

(In Senate, May 22, 1989, Bill and Accompanying Papers RECOMMITTED to the Committee on HUMAN RESOURCES in NON-CONCURRENCE.)

(In House, May 24, 1989, that Body INSISTED.)

(In Senate, May 26, 1989, the Senate RECEDED. Senate Amendment "B" (S-167) to Committee Amendment "A" (H-190) READ and ADOPTED.)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION OF COMMITTEE AMENDMENT "A" (H-190) AS AMENDED BY SENATE AMENDMENT "B" (S-167) thereto, in NON-CONCURRENCE.

Senator TWITCHELL of Oxford was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator TWITCHELL, of Oxford, ADJOURNED until Wednesday, May 31, 1989, at 12 noon.

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
73rd Legislative Day  
Wednesday, May 31, 1989**

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Jang Don Joo, Elm Street United Methodist Church, South Portland.

The Journal of Tuesday, May 30, 1989, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE**

Bill "An Act Amending the Licensure Requirements for Plumbers" (S.P. 615) (L.D. 1710)

Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.

Was referred to the Committee on Business Legislation in concurrence.

Resolve, Authorizing the Director of the Bureau of Public Lands to Convey Certain State Property Within the City of Biddeford (S.P. 617) (L.D. 1712)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Establish Domestic Preference for Long-term Power Generation" (S.P. 616) (L.D. 1711)

Came from the Senate, referred to the Committee on Utilities and Ordered Printed.

Was referred to the Committee on Utilities in concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Set Up Therapeutic Foster Homes" (EMERGENCY) (S.P. 530) (L.D. 1465)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Initiate Therapeutic Group Homes" (EMERGENCY) (S.P. 573) (L.D. 1601)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Allow Vanity Registration Plates for Certain Trailers" (S.P. 548) (L.D. 1519)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Non-Concurrent Matter**

Bill "An Act Concerning Teacher Employment" (H.P. 486) (L.D. 666) which was passed to be engrossed as amended by Committee Amendment "A" (H-163) as amended by House Amendment "B" (H-298) thereto in the House on May 25, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-163) as amended by Senate Amendment "A" (S-171) thereto in non-concurrence.

On motion of Representative Crowley of Stockton Springs, tabled pending further consideration and later today assigned.

**REPORTS OF COMMITTEES  
Unanimous Ought Not to Pass**

Representative GREENLAW from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Fish and Wildlife Laws" (H.P. 1143) (L.D. 1586) reporting "Ought Not to Pass"

Representative TRACY from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Wardens of the Department of Inland Fisheries and Wildlife" (H.P. 1145) (L.D. 1588) reporting "Ought Not to Pass"

Representative ANDERSON from the Committee on Energy and Natural Resources on Bill "An Act Regarding Solid Waste Disposal" (H.P. 1195) (L.D. 1662) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

**Unanimous Leave to Withdraw**

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Hunting and Fishing Licenses" (H.P. 1221) (L.D. 1693) reporting "Leave to Withdraw"

Representative LUTHER from the Committee on Labor on Bill "An Act to Require the Maine Labor Relations Board to Render a Decision on Prohibited Practice Complaints within 30 Days after Hearing" (H.P. 885) (L.D. 1229) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Establish a Portland Neighborhood Library System" (EMERGENCY) (H.P. 1169) (L.D. 1623) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act Concerning Teacher Retirement Laws" (H.P. 1093) (L.D. 1526)

Signed:

- |                  |   |
|------------------|---|
| Senators:        | TITCOMB of Cumberland<br>CLARK of Cumberland<br>CAHILL of Sagadahoc   |
| Representatives: | McSWEENEY of Old Orchard Beach<br>RICHARD of Madison<br>DUTREMBLE of Biddeford<br>BREWER of Boothbay Harbor<br>DELLERT of Gardiner<br>STEVENSON of Unity<br>AULT of Wayne<br>MERRILL of Dover-Foxcroft<br>HICKEY of Augusta |

Minority report of the same Committee reporting "Ought to Pass" on same Bill.

Representative: JALBERT of Lisbon

Reports were read.

On motion of Representative Hickey of Augusta, the House accepted the Majority "Ought Not to Pass" Report. Sent up for concurrence.

**CONSENT CALENDAR**

**First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 500) (L.D. 1374) Bill "An Act to Clarify Reporting Requirements for Induced and Spontaneous Abortions" Committee on Judiciary reporting "Ought to Pass"

(S.P. 120) (L.D. 186) Bill "An Act to Amend the Continuing Care Retirement Law" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-163)

(S.P. 154) (L.D. 274) Bill "An Act to Permit Law Enforcement Officers to Solicit Funds for a Law Enforcement Officers' Memorial" (EMERGENCY) Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-161)

(S.P. 171) (L.D. 328) Bill "An Act to Clarify the Applicability of the Maine Tort Claims Act to the Consumer Advisory Board" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-162)

(S.P. 479) (L.D. 1277) Bill "An Act to Protect the State's Ownership of Public Records" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-160)

(H.P. 591) (L.D. 809) Bill "An Act to Require Country of Origin Labeling on Fresh Produce" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-329)

(H.P. 841) (L.D. 1173) Bill "An Act to Provide Final Price Disclosure to Potato Growers" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-330)

(H.P. 781) (L.D. 1093) Bill "An Act to Provide a Fee Adjustment for Civil Process Servers" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-327)

(H.P. 804) (L.D. 1116) Bill "An Act to Increase the Penalty for Drug Crimes Committed while in Possession of a Firearm" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-324)

(H.P. 847) (L.D. 1179) Bill "An Act Concerning the Rights of a Father to Bring a Paternity Action" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-326)

(H.P. 896) (L.D. 1253) Bill "An Act to Prevent, Punish and Remedy Violations of Constitutional Rights" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-325)

(H.P. 883) (L.D. 1227) Bill "An Act to Amend the Maine Administrative Procedure Act" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-328)

(H.P. 1132) (L.D. 1575) Bill "An Act to Change the Listing Procedure on Town Warrants" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 415) (L.D. 558) Bill "An Act to Ensure Public Access to the Shoreland Zone" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-331)

(H.P. 1086) (L.D. 1508) Bill "An Act to Regulate Water Flowage over Hydropower Dams" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-332)

(H.P. 294) (L.D. 406) Bill "An Act to Criminalize Marijuana" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-333)

(H.P. 253) (L.D. 365) Bill "An Act to Allow a Student an Option in Biological Dissection" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-334)

(H.P. 741) (L.D. 1024) Bill "An Act to Allow the Consideration of Foreign Convictions in Drug Cases" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-335)

(H.P. 826) (L.D. 1158) Bill "An Act to Strengthen Criminal Drug Laws in the State by Allowing Forfeiture of Firearms and Other Dangerous Weapons"

Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-336)

(H.P. 820) (L.D. 1148) Bill "An Act to Provide for the Forfeiture of Firearms Used to Commit Crimes" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-337)

(H.P. 757) (L.D. 1061) Bill "An Act to Increase the Penalties for Repeat Violations of the Prostitution Laws" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-338)

(H.P. 924) (L.D. 1290) Bill "An Act to Increase the Punishment for Trafficking in Cocaine" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339)

(H.P. 1202) (L.D. 1672) Bill "An Act Concerning Public Water Supplies in the Mid-coast Area" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-340)

(H.P. 816) (L.D. 1144) Bill "An Act to Prohibit the Sale of Unlawful Drugs in or near Schools" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-342)

(H.P. 1213) (L.D. 1685) Resolve, Authorizing the Conveyance of Certain Public Lands Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 1212) (L.D. 1684) Resolve, Authorizing and Directing the Bureau of Public Lands to Convey Title to a Certain Parcel of Land in Augusta to the Maine Veterans' Homes Subject to Certain Conditions Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 981) (L.D. 1359) Resolve, to Study the Creation of a State Park at the Bangor Mental Health Institute Facility Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-343)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, June 1, 1989, under the listing of Second Day.

**CONSENT CALENDAR**

**Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 152) (L.D. 204) Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of Federal Court Orders in the Stripper Well Overcharge Case Involving the Shell Oil Company" (EMERGENCY) (C. "A" H-312)

(H.P. 803) (L.D. 1115) Bill "An Act Concerning Bed and Breakfast Establishments" (C. "A" H-313)

(H.P. 1159) (L.D. 1613) Bill "An Act to Clarify Provisions of the Subdivision Law" (C. "A" H-314)

(H.P. 274) (L.D. 386) Bill "An Act Concerning the Operation of Motor Vehicles on Private Lands" (C. "A" H-318)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

**PASSED TO BE ENGROSSED**

Bill "An Act to Insure Maintenance of Financial Responsibility by All Motorists" (S.P. 172) (L.D. 329)

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

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

Representative KETOVER: Mr. Speaker, I would like to pose a question to the Chair.

Should there be a fiscal note attached to this because of the additional court costs?

The SPEAKER: The Chair would advise the Representative from Portland, Representative Ketover and members of the House, that the Chair does not have in his possession a requirement for a fiscal note.

Representative Ketover of Portland moved that the bill be tabled for one legislative day pending passage to be engrossed.

Representative Allen of Washington requested a division on the tabling motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Ketover of Portland that L.D. 329 be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 60 in the negative, the motion to table one legislative day did not prevail.

Subsequently, the Senate Paper was Passed to be Engrossed in concurrence

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Provide Dealership Protection to Farm Equipment and Machinery" (S.P. 358) (L.D. 959) (C. "A" S-137 and S. "A" S-168)

Bill "An Act for the Preservation of Affordable Rental Housing in Maine" (H.P. 948) (L.D. 1316) (H. "A" H-321 to C. "A" H-295)

Bill "An Act to Reform the Maine Board of Professional Surveyors Law" (H.P. 513) (L.D. 693) (H. "A" H-320 to C. "A" H-311)

Bill "An Act to Require Administrators of Boarding Care Facilities to Obtain Continuing Education" (H.P. 914) (L.D. 1280) (C. "A" H-309)

Bill "An Act Relating to the Director of the Bureau of Health" (S.P. 379) (L.D. 1015) (S. "A" S-155 to C. "A" S-146)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as amended in concurrence and the House Papers were Passed to be Engrossed as amended and sent up for concurrence.

**PASSED TO BE ENACTED**

**Tabled and Assigned**

An Act to Clarify that Municipal Police Officers Need Not Be Residents of the State (H.P. 1019) (L.D. 1420)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, June 1, 1989.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Providing Conformity with the United States Internal Revenue Code Under the Maine Income Tax Law for 1988 (H.P. 782) (L.D. 1094)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and none

against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**ENACTOR**  
**Tabled and Assigned**

An Act to Create the Local Government Records Board (S.P. 410) (L.D. 1076)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Thursday, June 1, 1989.

**ENACTOR**  
**Later Today Assigned**

An Act Regarding Political Party Enrollment (H.P. 709) (L.D. 970) (C. "A" H-246)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Priest of Brunswick, tabled pending passage to be enacted and later today assigned.

(At Ease)

The House was called to order by the Speaker.

**PASSED TO BE ENACTED**

An Act to Prohibit Injurious Hazing of Public School Students (S.P. 420) (L.D. 1131) (S. "A" S-148)

An Act Regarding Dangerous Dogs (H.P. 630) (L.D. 853) (C. "A" H-255)

An Act to Prohibit Smoking in Hospitals (H.P. 728) (L.D. 1005) (S. "A" S-157 to C. "A" H-232)

An Act to Consolidate the Township of Misery-Sapling Gore into Adjoining Townships (H.P. 772) (L.D. 1084)

An Act to Reduce the Quantities of Cocaine and Heroin Necessary to Allow a Presumption of Unlawful Furnishing (H.P. 825) (L.D. 1157) (H. "A" H-273)

An Act to Increase the Penalties for Selling Wild Birds or Animals and Make Them Uniform (H.P. 918) (L.D. 1284) (C. "A" H-252)

An Act Concerning Observance of Veterans' Commemoration Days (H.P. 991) (L.D. 1380) (C. "A" H-249)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**ORDERS OF THE DAY**  
**TABLED AND TODAY ASSIGNED**

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Concerning Pilferage of Shopping Carts and Bakery and Milk Product Containers" (H.P. 106) (L.D. 143) (C. "A" H-292)

TABLED - May 30, 1989 by Representative ALLEN of Washington.

PENDING - Passage to be Engrossed.

On motion of Representative Allen of Washington, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-292) was adopted.

The same Representative offered House Amendment "A" (H-344) to Committee Amendment "A" (H-292) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

An Act to Provide Property Tax Relief by Allowing Counties to Retain a Greater Portion of Real Estate Transfer Tax Receipts (H.P. 371) (L.D. 502) (C. "A" H-248)

TABLED - May 30, 1989 by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

Representative Gwadosky of Fairfield moved that L.D. 502 be recommitted to the Committee on State and Local Government.

On further motion of the same Representative, tabled pending his motion to recommit to the Committee on State and Local Government and later today assigned.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act to Improve Compliance with Truck Weight Limits" (H.P. 36) (L.D. 36) (S. "A" S-169 to C. "A" H-277)

- In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-277) as amended by Senate Amendment "A" (S-169) thereto in non-concurrence on May 26, 1989.

TABLED - May 30, 1989 by Representative CARTER of Winslow.

PENDING - Motion of same Representative to reconsider whereby the House Receded and Concurred.

On motion of Representative Carter of Winslow, retabled pending the motion of the same Representative to reconsider whereby the House receded and concurred and specially assigned for Thursday, June 1, 1989.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act Concerning Municipal Regulation of Shellfish Resources" (EMERGENCY) (S.P. 354) (L.D. 955) (S. "A" S-151 to C. "A" S-141)

TABLED - May 30, 1989 by Representative MITCHELL of Freeport.

PENDING - Passage to be Engrossed.

On motion of Representative Mitchell of Freeport, retabled pending passage to be engrossed and specially assigned for Thursday, June 1, 1989.

The Chair laid before the House the fifth tabled and today assigned matter:

An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of Administration, for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (EMERGENCY) (H.P. 531) (L.D. 716) (C. "A" H-223)

TABLED - May 30, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 123 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act Concerning Teacher Employment" (H.P. 486) (L.D. 666) which was passed to be engrossed as amended by Committee Amendment "A" (H-163) as amended by House Amendment "B" (H-298) thereto in the House on May 25, 1989. Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-163) as amended by Senate Amendment "A" (S-171) thereto in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Crowley of Stockton Springs, the House voted to recede and concur.

The Chair laid before the House the following matter: An Act Regarding Political Party Enrollment (H.P. 709) (L.D. 970) (C. "A" H-246) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Priest of Brunswick, under suspension of the rules, the House reconsidered its action whereby L.D. 970 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-246) was adopted.

The same Representative offered House Amendment "A" (H-347) to Committee Amendment "A" (H-246) and moved its adoption.

House Amendment "A" (H-347) to Committee Amendment "A" (H-246) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Provide Property Tax Relief by Allowing Counties to Retain a Greater Portion of Real Estate Transfer Tax Receipts (H.P. 371) (L.D. 502) (C. "A" H-248) which was tabled earlier in the day and later today assigned pending the motion of Representative Gwadosky of Fairfield that the Bill be recommitted to the Committee on State and Local Government.

Representative Gwadosky of Fairfield withdrew his motion to refer L.D. 502 to the Committee on State and Local Government.

On motion of the same Representative, was committed to the Committee on Taxation and sent up for concurrence.

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby An Act to Prohibit Smoking in Hospitals (H.P. 728) (L.D. 1005) (S. "A" S-157 to C. "A" H-232) was passed to be enacted.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I apologize for bringing this matter up right at the end of this session. I have

some severe reservations about the ill effects that this bill L.D. 1005 might have on certain people. I have had the luxury of reading the debate that occurred in this body on last Monday, May 22nd. I have been contacted by several private individuals and several members of the committee that signed the Minority Report on this bill.

I have a problem that in certain situations -- having always voted to prohibit smoking in public areas and I am a nonsmoker, I am allergic to smoke -- but I recognize and I think that this body ought to make a recognition that in an emergency situation where a family finds itself in the emergency room of a hospital or another room in a hospital in a like situation, there is a lot of tension. It is a difficult moment to go through whether they bring a youngster in because they have broken an arm or they bring a loved one in with a heart attack. They are usually very stressful situations when you go to a hospital.

I am not talking about hospital visits to a friend or relative, I am talking about an emergency situation, and not to allow a smoker at that point to be able to relax for a moment or to be distracted for a moment and have to wait two or three hours or five or six hours in an emergency room -- I don't know whether or not that is really the policy that we want to enact. I find smoking offensive and I think that if you look at the record that you will find that this Representative from Augusta has always voted to prohibit smoking. But, I just cannot go along with this bill with the only exception being you have to have written permission from your doctor to allow you to smoke. There is enough going on in that person's life when they are in the emergency room and they are waiting for care, they are in a very stressful situation, there is enough happening -- I don't think we ought to impose another restriction and have someone come over and say, "Excuse me, madam or sir, would you please extinguish that cigarette?" "Well, I am a smoker and I have been here two hours..." "Well, that is all right, you have a note from your doctor." It may be three in the morning or something. I just -- reading the Record for the House that day, I don't know whether that was explained in detail. But, I find that there could be an exception to allow that -- at least in an emergency room, I am not talking about employees, I am talking about a friend, relative, someone who has brought someone in to an emergency room type of setting and that person be allowed to at least deal with their trauma and deal with the tension of the moment. I find it hard to vote for that type of bill that is so stringent. In the back of my mind, as was explained here last Monday, that hospitals can do this right away, they don't need a state law to do it. But, I would be willing to go along with a law that would at least make some sort of exception to people who are caught in a very difficult situation in a very dire moment and that we ought not to add to their trauma or their discomfort, that we ought to be there to help them out.

Mr. Speaker, I would ask for a division on the enactment of this bill.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Augusta had indicated that his concerns with this bill had to deal with the emergency ward. Quite frankly, I haven't had that -- and thank God -- haven't had the chance to go into an emergency ward with a loved one in a stressful situation. I have gone into the emergency ward and waited but I can't

remember any emergency ward in this state and I have been in a few of the hospitals that aren't located right next to the outdoors. Quite frankly, most of those times if people are sitting in the emergency ward, they are not allowed inside with the patient. They don't really know at that stage of the game what is going on with the patient because the hospital personnel are working on the individual patient. If they need to have a cigarette at that particular time, it would seem to me it wouldn't be that far away where they could walk outside. I know at Mercy Hospital in Portland, the Medical Center in Portland, and the Osteopathic in Portland, that is number one, five and six of the state's hospitals in capacity size, the emergency ward is right next to the outside.

One of the other things that was brought up during our conversation in committee was the fact that one of our members had a traumatic experience just recently and who does smoke and indicated that that was the last thing on that person's mind -- thinking about needing a cigarette because one of their loved ones was in the emergency ward.

I think what we need to take a look at is whether or not the person is, as Representative from Augusta had indicated, allergic to smoke and what about that particular person who is allergic to smoke sitting in the emergency ward waiting for their loved one on the other side of the curtain, that is what we have got to think about.

The emergency wards are very close to the outside. If somebody needs to take a quick puff on a cigarette they can walk outside and take a quick puff and come right back and they are not that far away from their loved one who is behind the curtains being worked on by the personnel, they are not (I don't imagine) allowed to be inside while somebody is being worked on in the emergency ward. I would hope that the House would go along with the original vote and vote to pass this out.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: I can't believe my ears. I just can't. We are still arguing this bill down to the last gasp. Now, I have been in emergency rooms and that argument about relaxing someone reminds me of back in the woods when I worked beside this fellow that worked a twitch horse back in those days pulling heavy loads. The horse would stop and he would beat him with a club -- of course, the horse was trying to relax, the he would jump forward -- he beat him once too many times and he dropped dead. I just don't buy the argument that when you haul in a drug, it relaxes you, I just can't buy it. Once again, I can't believe my ears and I hope you vote against this pending motion.

The SPEAKER: The pending motion is enactment.

Representative DEXTER: I thought he asked for a Division.

The SPEAKER: The Chair would answer in the affirmative.

Representative DEXTER: All right, do the right thing.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative DUFFY.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I just can't understand why the hospitals or the medical officials or professionals can't regulate who should or should not smoke and where they should smoke in the hospitals. I wonder if the nurses or doctors won't be going outside to have a cigarette. It seems a little ridiculous to me.

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

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: If any room in this state needs to be a clean, pure room, it is the emergency room.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 40 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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(Off Record Remarks)

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On motion of Representative Melendy of Rockland, Adjourned until Thursday, June 1, 1989, at nine o'clock in the morning.

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