

# 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

by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend Department of Transportation Statutory Provisions Pursuant to the Surface Transportation and Uniform Relocation Assistance Act of 1987 Enacted by the Congress of the United States  
S.P. 375 L.D. 999  
(C "A" S-117;S "A" S-125)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Maine Human Rights Act with Regard to Housing Discrimination against Families with Children

S.P. 457 L.D. 1242  
(C "A" S-115)

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. Does this item say that you cannot refuse to rent to families with children, period. Or does it allow some leeway?

I don't want to be obstructive here, but I used to own an apartment house and I rented to families with children, as I think I should. Except for one time when the family arrived there was a kid who had a box of crayons and headed for my walls and I said I didn't want them. Does this allow me to continue to do that?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I don't claim to be an expert on this subject, but I did watch the progress of this Bill. It is my opinion that this is merely technical, making Maine laws confirm with federal laws.

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Request the Department of Corrections to Undertake a Probation Systems Management Study

S.P. 62 L.D. 45  
(C "A" S-120)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was

presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY  
Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate:

Bill "An Act to Prohibit Smoking in Hospitals"  
H.P. 728 L.D. 1005

In Senate, May 24, 1989, Reports READ. Motion to ACCEPT Minority Ought Not to Pass Report FAILED. Majority OUGHT TO PASS AS AMENDED Report ACCEPTED. Committee Amendment "A" (H-232) READ. Motion by Senator CLARK of Cumberland to INDEFINITELY POSTPONE Bill and Accompanying Papers (Division Requested).

In House, May 23, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232).

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-157) to Committee Amendment "A" (H-232) READ.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I will be very brief. This Amendment attempts to allay the concerns raised by members of this Body about our state facilities. Let me just read from the statement of fact. "This amendment to the Committee Amendment excludes state institutions from the provisions of the bill. The patients at the Augusta Mental Health Institute and the Bangor Mental Health Institute have longer lengths of stay than patients in acute care hospitals and the imposition of the provisions of the original bill in these institutions would be likely to cause substantial disruption and hardship." So, I would move your strong acceptance of this Amendment. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-157) to Committee Amendment "A" (H-232) ADOPTED.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A Division has been requested.

Will all those Senators in favor of the motion of Senator CLARK of Cumberland, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

14 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator CLARK of Cumberland, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.

Committee Amendment "A" (H-232) as Amended by Senate Amendment "A" (S-157) thereto, ADOPTED in NON-CONCURRENCE.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

Ought Not to Pass

The following Ought Not to Pass Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules: