

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fourteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME IV**

**FIRST SPECIAL SESSION**  
August 21, 1989 to August 22, 1989  
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**FIRST CONFIRMATION SESSION**  
October 30, 1989  
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**SECOND CONFIRMATION SESSION**  
December 12, 1989  
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**SECOND REGULAR SESSION**  
January 3, 1990 to March 19, 1990

and the Animal Welfare Board. It seems to me that when you can get a consensus on something, it is the way to go. We found this morning that we couldn't get a consensus on something and obviously there was a division. When you have something that makes sense across party lines by responsible people, I suggest we support it.

Representative Martin of Eagle Lake requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Tardy of Palmyra that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 174

YEA - Aliberti, Anderson, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Carter, Cashman, Chonko, Clark, H.; Cote, Crowley, DiPietro, Donald, Dutremble, L.; Erwin, P.; Farren, Foster, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Handy, Hastings, Hickey, Hogle, Hussey, Jacques, Jalbert, Joseph, Ketover, Lawrence, Lebowitz, Lisnik, Lord, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McHenry, McPherson, McSweeney, Michaud, Mills, Moholland, Nadeau, G. G.; Nadeau, G. R.; Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, Webster, M.; The Speaker.

NAY - Adams, Aikman, Allen, Ault, Bailey, Begley, Brewer, Burke, Butland, Carroll, J.; Cathcart, Clark, M.; Coles, Constantine, Curran, Daggett, Dellert, Dexter, Dore, Farnsworth, Farnum, Foss, Garland, Hanley, Heesch, Hichborn, Higgins, Hutchins, Kilkelly, Libby, Look, Luther, MacBride, Marsano, Marsh, Merrill, Murphy, Norton, Nutting, O'Dea, O'Gara, Pendleton, Reed, Seavey, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Tupper, Wentworth, Whitcomb.

ABSENT - Conley, Duffy, Gurney, Hepburn, Holt, Jackson, LaPointe, Larrivee, McCormick, McGowan, McKeen, Melendy, Mitchell, Sheltra, Sherburne.

Yes, 82; No, 54; Absent, 15; Paired, 0; Excused, 0.

82 having voted in the affirmative and 54 in the negative with 15 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-523) was read by the Clerk and adopted and the Bill assigned for Second Reading Friday, March 2, 1990.

TABLED AND TODAY ASSIGNED

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

An Act Regarding the Maine Technical College System (H.P. 660) (L.D. 902) (C. "A" H-735)

TABLED - February 27, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Reconsideration (Returned by the Governor without his approval)

On motion of Representative Gwadosky of Fairfield, retabled pending Reconsideration (Returned

by the Governor without his approval) and specially assigned for Friday, March 2, 1990.

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

Bill "An Act to Protect Public Health by Prohibiting Smoking on Public Transportation Buses" (EMERGENCY) (H.P. 1462) (L.D. 2039) (C. "A" H-817) TABLED - February 27, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Adoption of House Amendment "A" (H-802)

Representative Pederson of Bangor withdrew House Amendment "A" (H-802).

On motion of Representative Hale of Sanford, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-817) was adopted.

The same Representative offered House Amendment "A" (H-836) to Committee Amendment "A" (H-817) and moved its adoption.

House Amendment "A" (H-836) to Committee Amendment "A" (H-817) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is to act to protect the public health by requiring proper ventilation on public transportation buses, to establish a smoking section, and to have it clearly posted.

This should not have a fiscal impact on any bus in or out of the state of Maine entering or leaving. Proper maintenance of any motor vehicle assures the public using any type of transportation (motor coach type) that the proper air ventilation is there to take care of any detrimental fumes from a cigarette. I cannot assure that the detrimental fumes on the outside air are taken care of but that is all this amendment does.

I ask you to take into consideration the rights of people who smoke as well as the people who smoke have taken into consideration the non-smoking public rights.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: I move indefinite postponement of House Amendment "A" to Committee Amendment "A."

I am sure that most of you people in the audience and the House have been waiting for this debate for three days now.

Quite frankly, when you look at this amendment, this will be a costly amendment to the people of the state of Maine who use the transportation mode of buses. There are a lot of people who need to use a bus back and forth to work and in their travels from one part of the state to the other and outside of the state.

I don't think the buses that I am familiar with are set up right now to take this into consideration. If this amendment passes, it is going to be costly to put into effect and who is going to pay for it? It certainly is going to be paid for by those people who can't afford to have a car but need to take a bus. I think that is the important issue right now. This will be an increased cost to them.

I don't think I really need to go into the fact of what smoking does on a bus and how it is going to really affect people but I just want to remind everybody that, starting last week, federal law went into effect which said if you were flying on a plane and it is within a six hour period of time, there will be absolutely no smoking. I think that should

apply to the buses, that the smoke would certainly go beyond where the non-smokers are and into the non-smoking section. So, I would hope that we would be able to kill this amendment and pass the original piece of legislation.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Manning of Portland that House Amendment "A" (H-836) to Committee Amendment "A" (H-817) be indefinitely postponed. 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 29 in the negative, the motion did prevail.

Subsequently, Committee Amendment "A" (H-817) was adopted.

On motion of Representative Pederson of Bangor, tabled pending passage to be engrossed and specially assigned for Friday, March 2, 1990.

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

An Act to Coordinate and Consolidate Student Financial Assistance Services under the Finance Authority of Maine (EMERGENCY) (S.P. 865) (L.D. 2216) (C. "A" S-484)

TABLED - February 27, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

Representative Gwadosky of Fairfield moved that L.D. 2216 be tabled Unassigned.

Representative Marsano of Belfast requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Gwadosky of Fairfield that L.D. 2216 be tabled Unassigned. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 175

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Graham, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Heglund, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McHenry, McSweeney, Michaud, Mills, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Higgins, Hutchins, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McPherson, Merrill, Murphy, Norton, Nutting, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Seavey, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Chonko, Conley, Duffy, Gould, R. A.; Gurney, Hepburn, Holt, Jackson, LaPointe, Larrivee, McCormick, McGowan, McKeen, Melendy, Mitchell, Ruhlin, Sheltra, Sherburne.

Yes, 82; No, 51; Absent, 18; Paired, 0; Excused, 0.

82 having voted in the affirmative and 51 in the negative with 18 being absent, L.D. 2216 was tabled Unassigned pending passage to be enacted.

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

Bill "An Act to Provide for Increased Penalties for Land Use Violations within Certain Resource Protection Zones" (H.P. 1329) (L.D. 1846) (C. "A" H-803)

TABLED - February 27, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed as amended and sent up for concurrence.

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

Bill "An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council" (EMERGENCY) (H.P. 1660) (L.D. 2300) (H. "A" H-818)

TABLED - February 27, 1990 by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

On motion of Representative Jacques of Waterville, retabled pending passage to be engrossed and specially assigned for Friday, March 2, 1990.

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

An Act Related to the State Board of Substance Abuse Counselors (EMERGENCY) (S.P. 699) (L.D. 1837) (C. "A" S-483 and S. "A" S-506)

TABLED - February 27, 1990 by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

On motion of Representative Allen of Washington, retabled pending passage to be enacted and specially assigned for Friday, March 2, 1990.

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

An Act to Allow State Employees and Teachers to Buy Back Time Spent in Certain Programs (S.P. 787) (L.D. 2033) (C. "A" S-496)

TABLED - February 27, 1990 by Representative HIGGINS of Scarborough.

PENDING - Passage to be Enacted.

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

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

An Act Concerning Patient Access to Medical Records (H.P. 1355) (L.D. 1872) (C "A" H-754)

TABLED - February 27, 1990 by Representative CLARK of Brunswick.

PENDING - Passage to be Enacted.

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