

# MAINE STATE LEGISLATURE

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here is telling the parent that, no matter how we do this, they don't have a say in it and that the Legislature knows what is needed for their kids. The other part of that is for them to make sure the kids are not overweight, they are not in front of the TV, not in front of the computer, but every time they try to do something the Legislature is going to tell them they can't do it. I think that is another part of why this is a place that we really shouldn't be going. I'd encourage you to vote for the pending motion.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Bryant to Accept Report "B", Ought To Pass As Amended By Committee Amendment "B" (H-851). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#336)**

YEAS: Senators: BRYANT, DAMON, GAGNON, MARTIN, MAYO

NAYS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, CLUKEY, COURTNEY, COWGER, DAVIS, DIAMOND, DOW, HASTINGS, HOBBS, MILLS, MITCHELL, NASS, NUTTING, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: PLOWMAN

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator BRYANT of Oxford to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-851)**, in **NON-CONCURRENCE, FAILED**.

On motion by Senator WOODCOCK of Franklin, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-850) ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-850) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later (3/23/06) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES**, on Bill "An Act To Amend the Maine Health Data Organization Laws Regarding Dental Services"  
S.P. 677 L.D. 1760

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-515)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-516)** (4 members)

Tabled - March 23, 2006, by Senator **MAYO** of Sagadahoc

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-515)** Report

(In Senate, March 23, 2006, Reports **READ**.)

On motion by Senator **MAYO** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-515)** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-515) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Chair laid before the Senate the following Tabled and Later (3/23/06) Assigned matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Regarding Contract Indemnification"  
S.P. 362 L.D. 1045

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-514)** (3 members)

Tabled - March 23, 2006, by Senator **GAGNON** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 23, 2006, Reports **READ**.)

On motion by Senator **BROMLEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/23/06) Assigned matter:

Bill "An Act To Clarify the Workplace Smoking Laws"  
S.P. 726 L.D. 1926

Tabled - March 23, 2006, by Senator **DAVIS** of Piscataquis

Pending - motion by Senator **MAYO** of Sagadahoc to **INDEFINITELY POSTPONE** the Bill and accompanying papers (Roll Call Ordered)

(In Senate, March 23, 2006, **READ A SECOND TIME.**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#337)**

YEAS: Senators: BARTLETT, BRYANT, CLUKEY, COURTNEY, DAVIS, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, NASS, NUTTING, PERRY, SCHNEIDER, SULLIVAN, WESTON

NAYS: Senators: ANDREWS, BRENNAN, BROMLEY, COWGER, DAMON, DOW, MILLS, MITCHELL, RAYE, ROSEN, ROTUNDO, SAVAGE, SNOWE-MELLO, STRIMLING, TURNER, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

ABSENT: Senator: PLOWMAN

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MAYO** of Sagadahoc to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **FAILED**.

On motion by Senator **MARTIN** of Aroostook, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. Early I had indicated that the bill we were on was not a bill to die for. In this case, this is a bill to die for. I mean that in all seriousness. This is a matter of health. Our calendar has had two bills on it, L.D. 1901 and L.D. 1926. This bill before us is L.D. 1926, as you know. It would eliminate smoking in all private venues. This specifically deals with clubs that have employees. As we have consistently done in the past, we have always aired on the side of the health consideration of the employee and I would ask you to continue to do that and vote in favor of engrossment. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Andrews.

Senator **ANDREWS:** Thank you, Madame President. May I pose a question through the Chair please?

**THE PRESIDENT:** The Senator may pose her question.

Senator **ANDREWS:** Thank you, Madame President. I know it was stated that this applies to employees. Does this apply to high stakes beano halls?

**THE PRESIDENT:** The Senator from York, Senator Andrews poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President. The good Senator from Cumberland, Senator Turner, may correct me, I believe it does not.

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

Senator **TURNER:** Thank you, Madame President. I find myself in agreement with the good Senator from Sagadahoc, Senator Mayo.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Madame President. Just a reminder to the members of the Senate, two words; choice and private. The measure before you applies to private membership clubs and it will eliminate their choice as members to decide whether they are smoke free or not. Private and choice eliminated.

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you, Madame President. May I pose a question through the Chair for anyone who may answer?

**THE PRESIDENT:** The Senator may pose his question.

Senator **RAYE:** Thank you, Madame President. Would this apply to private clubs that do not have employees?

**THE PRESIDENT:** The Senator from Washington, Senator Raye poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Turner.

Senator **TURNER:** Thank you, Madame President. The answer is no, it would not.

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#338)**

YEAS: Senators: BRENNAN, BROMLEY, COWGER, DAMON, DOW, MILLS, MITCHELL, RAYE, ROTUNDO, STRIMLING, TURNER, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: ANDREWS, BARTLETT, BRYANT, CLUKEY, COURTNEY, DAVIS, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, NASS, NUTTING, PERRY, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, WESTON

**ABSENT:** Senator: PLOWMAN

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being absent, **PASSAGE TO BE ENGROSSED, FAILED.**

Senator **MARTIN** of Aroostook moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

On motion by Senator **TURNER** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **STRIMLING:** Thank you, Madame President. I didn't speak the first two times but I do want to remind folks that ultimately this is about the health of workers. That is what this is about. This is about making sure that we protect the health of workers in Maine. It is also about fairness. There are some out there who are allowed to have smoking and there are others who are not. That is an unfair business practice. You can talk to businesses. I talked to them in my own district. They say it's even unfair that some can have a deck on which people can smoke and others cannot. Let's create a level playing field so that all businesses can perform at the same level and let's protect our workers. I strongly encourage you to defeat the motion in front of you.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Andrews.

Senator **ANDREWS:** Thank you, Madame President, ladies and gentlemen of the Senate. If this was going to apply to all businesses in the state of Maine I would sign on to it. This is not a level playing field. Thank you.

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

Senator **TURNER:** Thank you, Madame President. I would remind members of the chamber that the progression to eliminating smoking in public places and private places has been a long road. We did not go there in one leap, we've done it in steps. For those who would support this bill except for the fact that high stakes beano is not included, they should think ahead to the next session when that opportunity may be before them. I would think you would hearken to the words of the good Senator from Cumberland, Senator Strimling. This is all about worker health. That's what it has always been about. That's what it will always be about. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I would remind people in this Body that we have already addressed this particular issue, dealing with smoking in clubs that have employees, once recently with a positive vote. I think having one piece of legislation dealing with this subject is adequate. I would further say that if this motion is not passed and we go back to voting on this bill again, we are establishing a situation with an opposing approach to this particular issue. I would urge that we accept this motion.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Aroostook, Senator Martin to Indefinitely Postpone the Bill and accompanying papers. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#339)

**YEAS:** Senators: ANDREWS, BARTLETT, BRYANT, CLUKEY, COURTNEY, DAVIS, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, NASS, NUTTING, PERRY, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, SULLIVAN, WESTON

**NAYS:** Senators: BRENNAN, BROMLEY, COWGER, DAMON, DOW, MILLS, MITCHELL, RAYE, ROTUNDO, STRIMLING, TURNER, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

**ABSENT:** Senator: PLOWMAN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MARTIN** of Aroostook to **INDEFINITELY POSTPONE** the Bill and accompanying papers, **PREVAILED.**

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/23/06) Assigned matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT**, on Bill "An Act To Authorize the Deorganization of the Town of Cooper"  
S.P. 781 L.D. 2030

Majority - **Ought to Pass** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 23, 2006, by Senator **DAVIS** of Piscataquis

Pending - motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report (Roll Call Ordered)