

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

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beginning December 7, 2016

beginning at Page 1

Pending - **ACCEPTANCE OF EITHER REPORT**

On motion by Senator **BRAKEY** of Androscoggin, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

Under suspension of the Rules, Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/17) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers"

H.P. 43 L.D. 56

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-107)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-108)** (3 members)

Tabled - May 11, 2017, by Senator **SAVIELLO** of Franklin

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)** Report, in concurrence

(In House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107) AS AMENDED BY HOUSE AMENDMENT "A" (H-132)** thereto.)

On motion by Senator **SAVIELLO** of Franklin, 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 Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. Mr. President, this has been kind of a unique opportunity. I think most of us will agree that if you walk the roads you'll know exactly what the problem is. Our committee was faced with two choices. These little bottles that are out there called Nips are litter and we have an unfortunate situation where people are drinking and driving by buying the Nip, downing it, and tossing it out the window. Unfortunately, we, as a committee, could not deal with the latter part, so we decided to address the former. We addressed it by putting a nickel deposit on those containers. We put a compliance date of 2019 to give those people who manufacture these Nips and fill them the opportunity to comply with that and certainly have given them the choice to put their own labels on if they so desire. It's the best thing for us to do. If we had another company that came into the State of Maine that was creating this

problem, and complained about the 8¢ that may have to be attributed to putting those labels on, we would probably say, "So sorry, so sad, put the labels on." That's what this bill does and I hope you will all support it. Thank you very much, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you, Mr. President. Mr. President and ladies and gentlemen of the Senate, I won't prolong this any longer, but I'll just say what I said in caucus. As Chair of the VLA Committee and somebody who worked on the liquor contract in 2013, I have concerns about this product, potentially, being pulled off the shelves. I've heard that debate while this bill was going around in the Chambers and, while it may be true or it may not be true, I do have concerns about the revenue that is brought in by this sized product. So that's all I wanted to say about it. I just wanted to register my reservations. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. The good Senator's absolutely right, but if somebody pulls it off the shelf they pull about \$7 million of revenue from the State, including about \$1 million in tax revenue. I would think twice before I did that.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Franklin, Senator Saviello, to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-107) Report, in concurrence. 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 (#140)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BRAKEY, CUSHING, MASON

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-107) **READ**.

House Amendment "A" (H-132) to Committee Amendment "A" (H-107) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-107) as Amended by House Amendment "A" (H-132) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107) AS AMENDED BY HOUSE AMENDMENT "A" (H-132)** thereto, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/17) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Expand Substance Abuse Prevention Projects"
S.P. 213 L.D. 651

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-81)** (6 members)

Tabled - May 11, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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

Sent down for concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reduce Costs to Businesses by Phasing Out the Pet Food Surcharge" (EMERGENCY)
H.P. 1104 L.D. 1601

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue for Agricultural Water Resource Development and Marketing"
H.P. 1105 L.D. 1602

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Provide Flexibility for Education Technology Programs in Maine Schools" (EMERGENCY)
H.P. 1106 L.D. 1603

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Prioritize Family Members as Surrogates for Medical Decisions"
H.P. 1108 L.D. 1607

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **KEIM** of Oxford, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Resolve, To Amend Authorization To Sell Certain Property in Augusta
H.P. 1107 L.D. 1604

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

Off Record Remarks
