

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Sixth Legislature

State of Maine

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beginning at Page 1

opposing this bill. It's my understanding that a letter has been sent to the Maine Civil Liberties Union to have them work with the local school districts. It is also my understanding that the City of Presque Isle has had a very successful program in their high school for a number of years and I'm hoping that this can be extended throughout the state. Thank you, Mr. President.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

S.P. 14 L.D. 22

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-34)**.

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

Reports **READ**.

Senator **CRAVEN** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, 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 Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you very much Mr. President. Men and women of the Senate, this bill addresses one business in Oxford County. The business was established while current law was in place. The business is a cigar lounge. Under current law it does not allow food or drink to be consumed on the premises. This bill, the amended bill, would allow alcohol to be consumed on the premises. According to the owner, his preference would be cognac; to have cognac and cigar smoking. While I'm sure that your mouth gets very dry smoking cigars without being able to drink anything, this would create a lot of inequity in businesses such as coffee shops and restaurants and other bars that are established in the community that are not allowed to use tobacco products on their premises. They follow the law and follow the rules. This really erodes our tobacco laws that we have fought so hard for in the state of Maine to keep our kids and our workers healthy and to keep the cost of our health care in check. While I admire anybody that wants to expand their business, I think that expanding businesses that are unhealthy and that are creating inequities for other businesses that are in their community is not good practice. I will ask you to follow my light in the name of equality. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hamper.

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, my colleague from Androscoggin, Senator Craven, has done a nice job speaking to the Minority Report. Now I'll address the Majority Report. The Ought Not to Pass Report would leave current statute in place. Current statute and when it applies to tobacco specialty stores. Let me explain what a tobacco specialty store is. It is an establishment that is restricted in size to 2,000 square feet. It is restricted in its sales so that a minimum of 60% of its sales needs to be in tobacco products. You are also permitted, currently in statute, to consume tobacco in a tobacco specialty store. There is one tobacco specialty store licensed in this state. It was grandfathered before the 2007 change in statute that happened here in this Body from one of its members. It's currently located in the town of Portland, where it is permitted to smoke within the premises. A law change in 2007 put in a provision where drinking and eating in a tobacco specialty store would be against the law. L.D. 22, in its original form, was to remove that one sentence from statute. Currently in Maine, if you walk into a tobacco specialty store with a Dunkin Donut coffee in your hand you are a law breaker because there is no drinking permitted in a tobacco specialty store. Under statute, in the definition of food falls chewing gum. It is very specific in statute that chewing gum is listed as a food. If I walk in with a piece of Juicy Fruit in my mouth I'm a law breaker, except for the one establishment in Portland where smoking, drinking, and eating is permitted. By going with the Majority Ought Not to Pass on this item, we keep statute as it is and we continue to make law breakers out of those who walk into a tobacco specialty store chewing gum and drinking a Dunkin Donut coffee. I urge you to vote against the Majority Report and let's consider the Minority Report. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought Not to Pass Report. 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 (#45)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFSKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Community Mental Health Treatment"

S.P. 38 L.D. 87

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-33)**.

Signed:

Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
STUCKEY of Portland
PETERSON of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:
HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-33) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore Eligibility and Funding for Drug Programs for the Elderly and Disabled"

S.P. 219 L.D. 629

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-25)**.

Signed:

Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:
FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
McELWEE of Caribou
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:
HAMPER of Oxford

Representatives:
MALABY of Hancock
SANDERSON of Chelsea
SIROCKI of Scarborough

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.