

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session
December 1, 2010 to June 29, 2011

Pages 1 - 1494

Senators:

HASTINGS of Oxford
BARTLETT of Cumberland
WOODBURY of Cumberland

Representatives:

NASS of Acton
BEAULIEU of Auburn
FOSTER of Augusta
DILL of Cape Elizabeth
MALONEY of Augusta
PRIEST of Brunswick
ROCHELO of Biddeford
SARTY of Denmark
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-588)**.

Signed:

Representative:

MOULTON of York

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **HASTINGS** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program"

H.P. 917 L.D. 1226

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

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-589)**.

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
PILON of Saco
FLEMINGS of Bar Harbor

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **TRAHAN** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **ALFOND** 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 **Alfond**.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm going to speak briefly about equalization of tobacco here in the state of Maine. You, who have been around for a little bit of time, will notice this has been a kind of perennial project by some of the advocates and some of us elected, looking at some of these little cigars and other products that, for the most part, are used by young people across the state of Maine. I don't need to go into a long winded speech about the effects of tobacco. We know the health consequences once you start and become addicted to tobacco. I guess I just don't understand, when you look at the state of Maine and look at our tax rates on non-cigarette smoking tobacco, why Maine is so much lower than the rest of our New England neighbors and what the harm would be to try to create a little bit of a higher barrier for young people to buying these products. You look at the state of Maine, it's 20% of the wholesale price. New Hampshire is 45% higher than we are. Vermont is 72% higher than we are. Massachusetts is 10% higher than we are. I guess I'm confused on a couple of things. We know the consequences of these little cigarettes, cigar tobaccos, and yet we don't do anything about it. Every year we talk about the \$6 million to \$7 million that the state could generate by putting this tax on. I've been sitting in Appropriations for a long time. Maybe that \$6 million to \$7 million wouldn't have been needed in this budget, but I know how hard they worked and I bet that \$6 million to \$7 million could have been used, I'm sure, many times over. I think maybe this line in the sand that people in Maine think, or maybe people in this Body think, has been set and we can't raise taxes. I guess I disagree with that bold statement. I think there are some taxes that must and should be looked at. This one is one that I think rises to the top for me. It's something that I'm really disappointed in because I understand the health consequences and I know in the city of Portland almost every single one of the little tobacco shops and little corner stores has these little cigars. You can see young people going in there, understand the huge price difference, and buying them. The consequences for our society are huge. I would urge people to reject the motion and go on to the Minority Report. Thank you, Mr. President.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, smoking tobacco causes incalculable costs, financial cost as well as wellness cost, in the state of Maine. From sitting on the Health and Human Services Committee, we pour over the cost of healthcare every single day; not just for the maintenance of good health, but also the loss of revenue and the loss of productivity for employers. Excise taxes on tobacco products are applied unevenly, causing some products to be priced disproportionately lower than others. We heard a bill earlier this year where somebody brought in a big basket, like a laundry basket, of little cigars and cigarettes. Some of them were pink and green and orange. They had all kinds of different smells that were really designed, of course, to hook in kids and young people and women, probably, that would have an aversion to the smell or taste of ordinary tobacco. I think we could make a lot of money for the General Fund if we equalize the taxes on those kinds of products. Under the current tax method, the average tax on little cigars or cigarette-like product, they look like cigarettes but they are brown and there are 20 of them in a pack, is only 68¢ a pack. The tax on that package is only 68¢ a pack. Loose tobacco, that's roll your own, and I suppose they use all those papers that are flavored like apples and oranges and cherries and strawberries and blueberries. They put the tobacco in there and they smoke that, as well as other things. For an equivalent pack, the tax on an equivalent pack of loose tobacco would be 46¢. Lower prices make those products more accessible to kids. The higher the cost, the more they are going to stay away from them. Maine's non-cigarette smoking tobacco tax, which includes little cigars, cigars, pipe, and roll your own tobacco, is only 20% of wholesale price. This is lower than the tax in every other New England state. Maybe the previous Senator quoted those numbers, but they warrant saying again. Since the tax rates on these products are so much lower than the excise tax on cigarettes, these kinds of shifts from higher or lower tobacco products are significantly reduced. Maine tobacco tax revenue undermines our tobacco prevention and treatment efforts. I serve on Healthy Androscoggin and we go into schools and out in the workplace and try to do our very, very best to have people kick the habit or prevent them from starting to begin with. There is another area where we can save some money if we didn't have to have staff and outreach folks to do that. I would move against on the pending motion. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I was intrigued when I saw the title of this bill. It's pretty hard to vote against an act to prevent and treat cancer in Maine by implementing critical portions of the comprehensive cancer program. I think that a more appropriate title for this bill would have been an equalization title or an act to increase the tobacco tax on these certain tobaccos. I want us to realize exactly what this bill does. This program could be funded in one hundred different ways and I certainly would support funding this program. I think we all would. I think that goes without question. The real issue is; do we want to vote to raise a tax right now, when our economy is really in trouble? I suggest to

you that the people that buy bulk tobacco to roll their own cigarettes are probably doing so because they can't afford to buy a pack of cigarettes at the store. They are doing so to save money. They are likely to be fairly poor, or at least having a tough time financially. Really what we are doing is increasing the tax on a group of people that are doing this out of necessity. I just don't think it's the right time to do that. I think maybe if our economy was a little bit better and income was a little bit higher there might be a better policy discussion around raising this tax. At this point, I just don't think it's the time to raise another tax. Thank you.

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

Senator **CRAVEN:** Thank you Mr. President. In response to the good Senator, I think that we should encourage people and motivate them to quit because when you say that it's a necessity, smoking is not a necessity. I think that we should really, really support them quitting. Thank you very much, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't believe I said that smoking tobacco was a necessity. What I said was that it is most likely that these people are poor and it's unlikely that they have more money to give. Extending that a little further, we all know tobacco is an addiction. If a person cannot break an addiction, and they need to buy tobacco or they want to buy tobacco, something is going to give. I don't want that to be food or other necessities. That's my only concern with this bill. Thank you.

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

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, just a couple more things, because I do believe this is going to come up again and again and again. Maybe one day we will pass this, regardless of where the economy is. The State of Maine spends over \$600 million every year on healthcare costs related to tobacco and tobacco use. The concept that only low income people use these little cigars or loose tobacco is a nice talking point, but the reality is that there are many people, especially young people, who use these products, not because they are cheaper but because they are available. They are available everywhere, in all of our corner stores. Finally, to the point that the good Senator from Androscoggin was making, when you look at how this money would be spent, it's actually a really nice distribution to create prevention of tobacco use because it would provide \$2 million a year for comprehensive cancer screening, detection, and prevention for the Department of Health and Human Services for comprehensive screening. I know this isn't going to pass, I understand that, but we are further putting our state at a real loss when we don't really tackle an issue around under aged smoking of these very inexpensive tobacco products. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Trahan 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 (#226)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, HILL, JACKSON, SCHNEIDER

EXCUSED: Senators: GOODALL, SULLIVAN

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **TRAHAN** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Write-in Candidates in Municipal and City Elections"

H.P. 629 L.D. 832

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-403)**.

Signed:

Senators:

FARNHAM of Penobscot
PATRICK of Oxford

Representatives:

BEAULIEU of Auburn
CAREY of Lewiston
CHIPMAN of Portland
CROCKETT of Bethel
DAMON of Bangor
JOHNSON of Eddington
LONGSTAFF of Waterville
RUSSELL of Portland
VALENTINO of Saco
WILLETTE of Presque Isle

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

Signed:

Senator:

PLOWMAN of Penobscot

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended Report**.)

Comes from the House with 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-403)**.

Reports **READ**.

Senator **FARNHAM** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **COURTNEY** of York, 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 Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. Men and women of the Senate, I'm afraid I'm not on the Ought to Pass report. I did not agree with this bill. This bill says that no matter how many people in town vote for you as a write-in, if you didn't come in two days ahead of time to declare yourself as a write-in candidate, your votes may not be counted. May not be counted. May not be considered in any way, shape, or form. That just didn't seem right to me. We have towns where the position goes unfilled until the last minute; someone may walk in the day before. You might have an undeclared write-in and a declared write-in getting about the same amount of votes, yet the person who came in two days before and the person who came in the day before are not treated equally as candidates on the ballot. I don't think that this would be an appropriate way to look at candidacy. All candidates should be considered equal, therefore I oppose the bill and I would move that you do not accept the Majority Ought to Pass Report. Thank you, Mr. President.

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

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, this is a bill that I sponsored at the request of municipal clerks. The problem that they are trying to solve is that a number of people who go into the voting booth think it's funny to write in a candidate like Mickey Mouse or their neighbor as kind of a joke. The clerks, unfortunately, by law, have to take the time to do a lot of paperwork associated with that. It wasn't an attempt to prevent any candidate who actually wants to serve from serving. It was simply a way to ease the burden on the clerks who were in unanimous agreement that this was a good idea. Initially the bill asked for a longer period of time, but we, through compromise, agreed to at least two days that you have to declare yourself as a candidate and it only applies to towns that have more than 1,000