

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Regular Session

beginning December 5, 2012

beginning at page H-1

Representative:
McCLELLAN of Raymond

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

On motion of Representative BERRY of Bowdoinham the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

(S.P. 14) (L.D. 22)

Signed:
Senators:
CRAVEN of Androscoggin
LACHOWICZ of Kennebec

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-34)** on same Bill.

Signed:
Senator:
HAMPER of Oxford

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

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker. In relationship to this particular bill, the committee was feeling, at least the Majority Report, felt very strongly that the position we've taken is consistent with longstanding state policy around trying to reduce the amount of tobacco influence in our air and breathing. We are also concerned about that this particular bill would represent a step in the direction of expanding nonsmoking aspects of the operation of these particular kinds of facilities, thereby encouraging people to be in the presence of smoke for longer periods of time, which would basically prolong exposure to

an unhealthy environment. We would urge you to vote with the committee majority position of Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill addressed in statute what we have – actually, what we have in the State of Maine is we have two businesses in the State of Maine who allow patrons to consume high-end cigars on the premises. These businesses exist. Right now, under current statute, it would be illegal for you to drink water or even chew gum while you were in the premises. This is what this legislation was actually asked to do, was to make it not illegal to chew gum or have a glass of water or maybe even bring in a cup of coffee with you. That's what this legislation was meant to do. This is a pro-business bill. It's allowing our business that is already in place to continue doing business for the comfort of their patrons. It does not expand smoking into other areas. It does not expand cigarette smoking. The cigarette smoking is not allowed on the premises. This is only high-end cigars. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. We've had lots of discussions about this bill and the problem with this bill is that it basically would allow a tobacco specialty store to sell food or alcohol. This is not allowed currently with restaurants, so you are essentially allowing a tobacco specialty store to become a smoking restaurant or a smoking bar, and that really undermines the other businesses in the area that are not allowed to do that. I would urge you to vote with the Majority Ought Not to Pass. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen. With all due respect to the previous speaker, this bill would not permit a tobacco specialty store to have a liquor license. That would have to be separately attained. There would be public hearings. I thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Thank you for indulging me one more time to speak in front of you. This would also not allow smoking in a restaurant, any restaurant, regardless if they are a – they still have to follow state statute. There is no smoking allowed in restaurants. This would just be to allow a beverage, a consumer to have a beverage in an already established high-end cigar lounge where patrons consume on the property. This does not expand smoking. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you again, Mr. Speaker. Ladies and Gentlemen, the gentleman who brought this bill forth had sought originally, at least in private discussions, to add what's called a Keurig machine which was deemed illegal under current law. I think that's inappropriate, but I thank you for your time and for indulging me yet again.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 43

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Clark, Cotta, Cray, Crockett, Davis, DeChant, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson D, Johnson P, Jones, Kaenrath, Kent, Keschl, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, Marks, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Short, Sirocki, Timberlake, Turner, Tyler, Verow, Volk, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Carey, Chase, Crafts, Peterson, Villa, Wallace.

Yes, 82; No, 62; Absent, 7; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Use of Eminent Domain

(S.P. 25) (L.D. 58)

Signed:

Senators:

VALENTINO of York
BURNS of Washington
TUTTLE of York

Representatives:

PRIEST of Brunswick
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-35)** on same RESOLUTION.

Signed:

Representatives:

GUERIN of Glenburn
PEAVEY HASKELL of Milford

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

On motion of Representative PRIEST of Brunswick, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways"

(S.P. 221) (L.D. 631)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
LIBBY of Lewiston
MAREAN of Hollis
MOONEN of Portland
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-20)** on same Bill.

Signed:

Senator:

THOMAS of Somerset

Representatives:

BENNETT of Kennebunk
BROOKS of Winterport
JACKSON of Oxford
KNIGHT of Livermore Falls
STANLEY of Medway

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20)**.

READ.

Representative GOODE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise here on this bill because this is an important bill for the rural parts of this state. This is the logging industry that we all have a lot of people that are employed by. This is about jobs. What I've seen, we ought to be doing, is doing away with the motion that is in front of us and do the Ought to Pass motion as Amended. The reason why is because these jobs, this industry, the logging industry, creates an awful lot of jobs in the rural parts of this state. Right now, we have unemployment figures of over 50,000 people and a lot of them are in the rural parts of this state. This is an opportunity to create jobs, an opportunity to enhance an industry that might need a little bit of help because, I'll tell you what, I serve on