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Legislative Record

House of Representatives

One Hundred and Thirty-First Legislature

State of Maine

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Beginning with Page H-277

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Prohibit Municipal Flavored Tobacco Product Bans on State-licensed Tobacco Retailers"

(H.P. 431) (L.D. 662)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:

STOVER of Boothbay
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath
RISEMAN of Harrison

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

READ.

Representative STOVER of Boothbay moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Madam Speaker. No matter what you read in the title of the bill, the one thing you should take away tonight is this is not a flavored tobacco bill. This is a bill about putting municipality against municipality and, for that reason, I request a Roll Call.

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 Bangor, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I am the sponsor of this bill. I had a rather lengthy comprehensive, let's say, speech I wanted to give you about the big picture of this. I'll get right to the point. It's been an effort to prohibit flavored tobaccos and menthol flavors Statewide. That same effort is going on federally. If the federal government was to impose this ban as far as a business owner in Maine or a State Representative, I would have very little concern with a federal ban, particularly if this does, to some extent, help keep people to not start smoking or eventually quit smoking. As a business owner in Bangor, Maine, if we do it Statewide, I would have no concern for myself, my employees or my customers, other than the people who maybe want to buy this stuff and can't get it, particularly if doing it Statewide could help some people avoid starting if these flavors of menthol help people get hooked. But as a State Representative, balancing what I'm told today is a $24-million-a-year fiscal note to do it Statewide, in my view, largely giving that money to New Hampshire, to do it Statewide, I question is that worth it versus the other issues we face such as homelessness, drug addiction, affordable housing and so on. That's a question we'll have to answer later.

What I'm adamantly opposed to is any local ordinance banning flavored tobaccos. I've been in this business more than 30 years. I know my customers, I know what they do, I know their habits. This does absolutely nothing to address the problem of tobacco use. What I see is my poorest customers at the first of the month; a lot of my customers are on public assistance; spending a lot of money, 20-30 bucks to take an Uber to Brewer and do their shopping there. I see the guy in my neighborhood who used to come to my store every day, he works in Brewer, instead of stopping at my store when he gets home to Bangor, he stops after work in Brewer. All it does is change peoples' buying habits. No one's making two stops, one for their tobacco product here and the other one at my store. So, Veazie, Brewer, Hermon, Holden, Glenburn, Orono, they all border Bangor, they all have stores on the border, they all have lower mill rates, it's cheaper to do business in those towns. They are getting an enormous windfall from the customers of Bangor.

Now, Portland did this and then South Portland did it. The folks in South Portland tried doing a referendum to overturn it and these are just business people trying to do business and survive and pay their bills and what have you. They gathered the signatures, they gathered enough signatures to get this thing on the ballot to try and get it repealed and it turns out, not knowing the process like we do, a third of the signatures in South Portland were disqualified because they were Portland customers. You just cause people to shop in other towns. It does nothing to address the problem. The shame of it is, there's things that could be done locally that would possibly be successful in keeping tobacco out of the hands of minors and the view on this has been so myopic, it's this or nothing, and no real serious efforts, at least in Bangor or any other town that has done this that I've seen, have taken on this issue with something that might work locally.

I will just tell you what it's meant in my store. Before minimum wage went up in January, it was $12 and something, my employees all made $15 or more per hour. When minimum wage went up $1 an hour, none of my employees got raises. I serve a food desert; my poorest customers who cannot get to the grocery store, who depend on me, are paying about a dollar more for every grocery item in my store to make up for the losses. And a lot of these poor people are already victims of Big Tobacco. So, this decision was made locally in Bangor where they allowed store owners; first, they tried to sneak it by us. They got caught. They had to do it all over. They allowed us two minutes to try and make our case. There was no interest in hearing what the store owners had to say. It was a done deal before it started. And it's just a shame; oh, that was the other thing I wanted to get at. I put a bill in for a Statewide ban. The one we have coming may get funded, it may not. The one I put in was paid for through revenue sharing. This has been driven by municipalities. If they're serious about this, why not take it Statewide where it might do some good. And if they're serious about it, why don't they have a little skin in the game? Pay for it through revenue sharing. There was no support in any municipality to pay for this through revenue sharing. They are perfectly content to have the private businesses, our employees and our poorest customers who can't get to the grocery store paying the entire tab for a policy that is totally ineffective on the local level. That's why I brought this bill forward and I would appreciate all the support I can find in this Chamber. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Stover.

Representative **STOVER**: Thank you, Madam Speaker. Madam Speaker, LD 662 is preemptive legislation that prohibits a municipality from adopting an ordinance that would ban flavored tobacco product sales by a licensed tobacco agent. This action would not stop or prevent tobacco use. It is not good

public health policy. It would allow a municipality to adopt rules to prohibit sales but, in all likelihood, would only force customers to drive to another town to purchase flavored tobacco products. Madam Speaker, the best public health approach would be a Statewide ban. LD 662 falls short of that. I urge Members to vote Ought Not to Pass on this bill.

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. 212

YEA - Abdi, Ankeles, Arford, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Perry A, Pluecker, Pringle, Reckitt, Rielly, Riseman, Roberts, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Terry, Williams, Worth, Zager, Madam Speaker.

NAY - Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Perry J, Poirier, Polewarczyk, Pomerleau, Quint, Rana, Roeder, Rudnicki, Sampson, Schmersal-Burgess, Smith, Soboleski, Strout, Supica, Swallow, Theriault, Thorne, Underwood, Walker, Warren, White B, White J, Wood, Woodsome.

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, Lavigne, O'Connell, Paulhus, Zeigler.

Yes, 69; No, 71; Absent, 9; Vacant, 1; Excused, 1.

69 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 9 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative STOVER of Boothbay, the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-448)** on Resolve, to Modify Security Screenings in the State House and Implement Security Screenings in the Burton M. Cross Building

(H.P. 695) (L.D. 1100)

Signed:

Senators:

NANGLE of Cumberland

BALDACCI of Penobscot

Representatives:

STOVER of Boothbay

ABDI of Lewiston

COPELAND of Saco

DHALAC of South Portland

PAULHUS of Bath

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon

GREENWOOD of Wales

POMERLEAU of Standish

UNDERWOOD of Presque Isle

READ.

Representative STOVER of Boothbay moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative GREENWOOD of Wales **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** 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 Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Madam Speaker. Madam Speaker, the bill before us proposes to and protect us in the Burton M. Cross Building by putting in screening and security, yet just moments ago, we voted not to protect our children by allowing armed guards in schools. Madam Speaker, I just can't support this motion. I'm just saddened that we're at a point where we feel we need armed guard protection, which we have and I'm thankful we do, but we can't extend that same courtesy to our children. Thank you.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Underwood.

Representative **UNDERWOOD**: Thank you, Madam Speaker. I had concerns regarding the citizens of this State being able to address their government and freely be able to move in and out of the Cross Building to address; that's where all the bureaucrats; the fourth part of government; unelected. And I think we should accept the Majority Ought to Pass as Amended Report. We should not arm and cut down on the street and cut down on the entrances to the bureaucratic State so that citizens of this State can address their government. Thank you, Madam Speaker.