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Senate Legislative Record

One Hundred and Thirty-First Legislature

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Beginning with Page S-387

kids have the opportunity to have a quality early learning experience on their way to school. Thank you very much.

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

Senator **DAUGHTRY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in strong support of this motion, and I just want to say there's one particular reason I'm really excited about this bill. I can only imagine what the good Senator from Sagadahoc was like as a Head Start teacher in the way that she leads our caucus and how she is as a seatmate - empathetic, passionate, kind, and fierce. And my hope is that this bill ensures that all the students in Maine are able to have an incredible Head Start teacher like my good Senator from Sagadahoc County. Thank you.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-395) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Ongoing Absentee Voting and Tracking of Absentee Ballots"

S.P. 677 L.D. 1690

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-396)**.

Signed:

Senators:
HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:
SUPICA of Bangor
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison

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

Signed:

Senator:
TIMBERLAKE of Androscoggin

Representatives:
ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

Reports **READ**.

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#434)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-396) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

Divided Report

Seven members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to End the Sale of Flavored Tobacco Products"

S.P. 496 L.D. 1215

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (S-397)**.

Signed:

Senators:
BALDACCI of Penobscot
INGWERSEN of York

Representatives:
MEYER of Eliot
CRAVEN of Lewiston
GRAHAM of North Yarmouth
SHAGOURY of Hallowell
ZAGER of Portland

Four members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "B" (S-398)**.

Signed:

Senator:
MOORE of Washington

Representatives:
FREDERICKS of Sanford
LEMELIN of Chelsea
MADIGAN of Waterville

Two members of the same Committee on the same subject reported in Report **"C"** that the same **Ought Not to Pass**.

Signed:

Representatives:
GRIFFIN of Levant
JAVNER of Chester

Reports **READ**.

Senator **BALDACCI** of Penobscot moved the Senate **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397)**.

On motion by Senator **STEWART** of Aroostook, 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 Baldacci.

Senator **BALDACCI**: Thank you, Mr. President. I just want to - this is a very important bill. The incidents of cancer and the incidents of smoking are higher than average in the State of Maine, which is killing hundreds of people. But the important part of this bill is to stop a new generation of Mainers from becoming smokers. I want to share with you - there was overwhelming public health evidence and overwhelming public health support for this bill because of the effect it will have in saving lives. The bill will end the sale and marketing of all flavored tobacco products, including prohibiting the use of characterizing terms such as ice to describe menthol. This is a tactic that has been used by the tobacco industry for marketing purposes and to dodge regulation. This is a human and environmental health issue as well as a social and environmental justice issue. Smoking causes disease and disability, harming nearly every organ of the body. Yet tobacco use among Maine youth and adults is higher than national averages. Among Maine high school students, 20% use some form of tobacco, including cigarettes, cigars, e-cigarettes, and smokeless tobacco, compared to 13.4% nationally. The use of tobacco products among Maine adults is lower than the youth use rate of 16.5%, but still higher than the national average. 32% of high school students have used e-cigarettes in the past and 17.4% just in the last 30 days, compared with the general population at 4.1%. In other words, while we have seen an explosion in youth tobacco use after decades of a downward trend, we have not seen that same level of increase in adult use. That's because the tobacco industry knows that 95% of adults who smoke - who start by the age of 21, and 80% of kids who have used tobacco started with a flavored product. To attract younger replacement smokers, the tobacco industry has developed and marketed more than 15,000 flavored tobacco products. These flavors include everything from Rocky Road flavored cigars to Dr. Pepper flavored dissolvables, to unicorn frappe on ice, nicotine juice flavored to taste just like raspberries, mangos, fresh cream, cotton candy, and menthol. Findings published in the New England Journal of Medicine showed that the same chemicals used in cherry, grape, apple, peach, and berry Jolly Rancher candies, Lifesavers, and Kool-Aid drink mix were also used in similarly flavored tobacco products. According to the authors, what we are seeing is truly candy-flavored tobacco. This epidemic started with Juul, a high-tech device disguised as a USB drive, that comes in a variety of flavors to entice kids. One Juul pod contains as much nicotine as a pack of 20 cigarettes. This high concentration is a serious concern for youth who are already uniquely susceptible to nicotine addiction. Despite action by the FDA, flavored cigarettes, especially menthol, e-cigarettes, and sweet flavored disposables, remain widely available. Many popular e-cigarettes are pod-based, with single use plastic cartridges. These disposable e-cigarettes which are designed entirely for one time use have skyrocketed in popularity with a one thousand percent increase and use among high school students between 2019 and 2020. And while almost all e-cigarettes contain liquid nicotine which the EPA classifies as an acute hazardous waste, too many Maine youth think it's just harmless flavoring. The tobacco industry has a long and lethal history of targeting kids and other populations with flavored products. For example, tobacco industry documents reveal aggressive marketing including cheaper prices, increased retail density, and more advertising in non-white neighborhoods and among younger people. This marketing works. Eighty-five percent of Black adults who smoke use menthol cigarettes, compared with 27% of white smokers. The tobacco industry has also targeted lesbian, gay, and bisexual community with predatory advertising. As an example of the industry's intentional focus on an already marginalized population, in the 1990s, the tobacco industry ran a marketing campaign called Project SCUM, which stands for subculture urban marketing. Project SCUM targeted LGBTQ and homeless populations in California. The targeting of populations that experience marginalization is not new for this industry, and that includes people with mental, developmental, behavioral health challenges, women, people with low income, and people living in rural areas. Essentially, what we are trying to do is to prevent thousands of our young people from taking up this habit and from dying, not to mention the hundreds of millions of dollars of healthcare costs that are incurred. So, I

ask you to join in this effort, which is well documented in terms of what it will do, in order to save lives. Thank you.

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

Senator **BRAKEY**: Thank you, Mr. President. I rise in opposition to the pending motion. And like the last bill that I rose on in relation to the matter of prohibition, I'd like to begin with a quote, this one by CS Lewis, who said: 'Of all tyrannies, a tyranny sincerely exercised for the good of its victim may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated. But those who torment us for our own good will torment us without end for they do so with the approval of their own conscience.' I think that's oftentimes what we're dealing with with a lot of these nanny-state items of legislation. I have no doubt that the intent is good, but I have to say there are a few things I want to push - there are several things I want to push back on here. First, through this legislation, as its been working its way through the Legislature, I keep hearing that this is about stopping young people from starting smoking or using tobacco products. I think that's - hey, it's a sound legislative strategy to try to, you know, advance this in terms of messaging. But the fact is that this bill doesn't prohibit these products for people under the age of 18 or people under the age of 21 or people under the age of 26, it bans it for everyone. For adults in a free society who as adults we're supposed to be able to make our own choices over these sorts of matters. I've never smoked a day in my life, I never will, I encourage all my friends and loved ones not to pick up the habit, but I also know some people who already developed the habit and some of the products that would be banned by this legislation have worked for them, actually, as tobacco cessation products. I know - my spouse is a former smoker. She has a job, she works down in Portland, Maine, she uses, as something that helped her quit smoking were kind of some of these kind of these vape products, and it's really worked for her. And -- but when she drives down to Portland and heaven forbid, she forgets her - I don't know what it's called, the vape thing - I get the phone call. Yeah, I thought maybe I could pick something up in Portland, but actually it turns out I can't because it's banned down here. Can you drive 40 minutes down and bring it to me or I'm going to have to go pick up a pack of cigarettes. Well, I don't want her to go and pick up a pack of cigarettes, so I make the drive. But these are some of the unintended consequences. By banning these products, we're going to be taking away things that have actually worked to help people break away from cigarettes. And to what effect? You know, one of the great things about living in America is we have this - the 50 laboratories of innovation and we can see how these policies have worked in other jurisdictions where this has been put in place and we can just look down in Massachusetts where they banned these products, and the results were not what you would hope for. The numbers I saw, the rates of usage of tobacco products did not decrease in Massachusetts in any significant manner once this ban went into place. Instead, what happens is the legal market is gone, and the underground black market has taken its place. Because there's a demand and so we have through prohibition, like the same lesson we - I would hope that we've learned over the last 100 years from alcohol prohibition to all the prohibitions of the war on drugs that just because you prohibit something by law doesn't make it go away; in fact, sometimes it makes the problem much worse. So, I would just ask this Body to consider the example of Massachusetts, look at the lessons learned there, this policy did not work down there. Look at the fact that we're looking to ban these products not just for young people, who it's already banned for young people to have these products, but for everyone, for adults who are in a free society - that's the whole point of living in a free society is that you can make your own decisions in regards to your own body and what you put into it. And I just want to ask this body please don't put me in a situation where I have to worry about my wife going back to cigarettes. I would like to not have that happen. And I just want to add with one final, I think, potential unintended consequence that I think sometimes we can look at the unintended consequences of prohibition in other cases. You know, I often think back to a very well publicized case, something that very unfortunate happened several years back in New York City with a gentleman named Eric Garner, who was selling loose cigarettes, which was prohibited by the politicians for him to do that, led to - which led to a situation and an encounter with law enforcement where he ended up in a chokehold and ended up being killed, which was terrible. But the law enforcement officers were put in a position where they were being asked to enforce these kinds of policies, these kinds of prohibition policies that lead to those sorts of situations. Someone has to enforce these laws when we pass them, and that doesn't always look - doesn't always end up how we would hope. So, please follow the advice of CS Lewis, please don't be an omnipotent moral busybody, policing what adults - what choices adults make. Let us continue to live in a free society and let's not adopt these nanny-state policies. Thank you very much, Mr. President.

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

Senator **DUSON**: Thank you, Mr. President. I rise in support of the motion on the floor to pass the Majority Report. By extension, I rise in support of the young people of Maine. The young people who led so many of us to run for office in the first place. I rise in support of my own children and grandchildren and their friends and all the other young children in your life and mine and in your communities and mine. Each and every one of them is targeted by the tobacco industry, a ruthless and predatory industry that doesn't care a whit about them or the value they bring to our state. The tobacco industry has just one objective, profit, and they will do and say anything to lure and hook replacement smokers. Nicotine addiction is really only possible in young, developing brains. If you have not become addicted to nicotine by age 26, it's unlikely you ever will do so. The tobacco industry knows this and of course knows, too, that flavored tobacco products like menthol, mint, candy, fruit, and dessert flavors all make it easier for kids to give cigarettes, chewing tobacco, and e-cigarettes a try. Four out of five kids who have used tobacco started with a flavored product. Now, like many of us, my family has been impacted by tobacco use. My family has also paid the price for the industry's unfettered, multigenerational targeting of Black Americans with menthol flavored cigarettes and cigars. For over six decades, the tobacco industry has been marketing menthol cigarettes directly systemically and intentionally to Black Americans, particularly Black youth and young adults. Three of my siblings started using these products as teenagers and became life-long smokers of menthol cigarette brands like

Newport, Kools, Salem, and Virginia Slims. Along with many aunts, uncles, and cousins over the years, they have battled tobacco-related illnesses that result in physical limitations, chronic stress, and a loss of independence. Menthol flavored tobacco is no friend of the Black community, and nicotine addiction is nothing we hope or dream of for our kids. In fact, just the opposite, we should be fighting tooth and nail to prevent young people from using tobacco, and this bill does just that. This bill on this day is about every child in Maine, because the same tactics honed during a decades long campaign to lure and hook black youth on menthol flavored products has also been used on other marginalized communities. This means kids who are experiencing mental health conditions, kids who are part of the LGBTQIA+ community, kids who are from families with lower incomes, kids from communities of color, and kids just looking to fit in. And the marketing is working in Maine. We all know you have to be a certain age to purchase these products and yet my daughter, a middle school special ed teacher, has shared that these vapes are all over the school, with students sneaking a vape in in the halls, bathrooms, and playgrounds. This legislative Body has the ability to change the trajectory of young lives and to impact the health and wellbeing of every Mainer for generations to come. The FDA, which took flavored tobaccos off the market in 2009 because of their proven link to youth initiation, may eventually follow through on ending the sale of menthol flavored cigarettes and all flavored cigars. But any FDA action will take years to take effect, while more of our children and grandchildren fall prey. With L.D. 1215, we have the opportunity to take significant action in preventing Maine children from starting to use tobacco and developing an addiction to nicotine. We have more than enough information to know it's not just time, it's well past time. Many of us could tell a similar story of the toll of tobacco on our families and friends. I hope you'll join me in saying enough is enough to the targeting of our children, grandchildren, nieces, nephews, and neighbors, with menthol, candy, fruit, and dessert flavored tobacco products. Let's stop this cycle of addiction, of chronic illness, of untimely death. Let's stand up to the targeting of our kids. Let's end the sale of all flavored tobacco products. Let's act today to improve the lives of Mainers and to protect the health and future of our children. Let's vote yes to end the sale of flavored tobacco products. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI**: Thank you very much, Mr. President, and good even later evening now, Senate colleagues. I just wanted to stand not to try to persuade anyone of anything, but just to say what I feel about this bill and explain a little bit how I intend to vote. I first want to recognize the amount of work that's gone into this initiative - in our committee, in our communities - I know that every one of us has heard a lot about this topic over the past couple months and for those of us that have served longer, over a couple years now. I share all the concerns that were raised about protecting our youth, our young people, and trying to prevent them from taking up a habit that, you know, the evidence shows is not a good health decision. I'll admit my very first bill that I filed when I came in here was to try to get after all of the marketing that happens to children. And it turns out, it's a legal morass to try to figure out how to keep ads that say, you know, unicorn or cotton candy away from young people. I was really interested in trying to figure that out, and at the time, the right staff really weren't in place in the Attorney General's office or DHHS and I, being a new legislator and not a lawyer, had to give up. But I still firmly believe that we should protect young people from the harms of using tobacco and nicotine products. And that's, I think, largely what we've heard about during this Floor debate. What we haven't really heard about is people that are 50, 60, 70, 80, maybe they've even lived to be over a hundred, that can happen, who use these tobacco products, who have used them for decades, who for them it's a choice that they're making consciously. I know we put a lot of effort into cessation education, and I think we need to do that and do that more, but ultimately, these folks have made a choice that I - that I do respect. And so, I've been thinking this over for a long time, and ultimately, I'm not planning to support the pending motion. I was interested in a compromise, an opportunity to remove the flavors that really are the ones we've heard about today mostly, the really sort of fun, fruity flavors, things like that, that we do know are really targeting young people. I would like to see those go away. And I would like to see a policy that they've adopted in New Zealand for the menthol products. What they're doing there is adopting an annually rising smoking age. What that means is that tobacco cannot be sold to anyone born after an established date. So, if you're somebody who's 70 years old, smoking a menthol, you can keep doing that. And, you know, an example of how this would work if we were to do this today, it would say anyone who was born after 6/21/2002, menthols are not for sale to you. And so, that was a compromise that I was interested in, it's one that I understand that people that are very passionate about this policy do not support, but I just wanted to express that I'm incredibly aware of and have read a lot of the literature on the effects of policies like this as well as the effects of tobacco and nicotine use on people of all ages. But ultimately, I've just decided that I'm not willing to go as far as what this bill is asking us to do at this time. Thank you very much for your time, and follow your own heart, not my light.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Rafferty.

Senator **RAFFERTY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the legislation. And just to give you a sense of where I'm coming from. You know, I have three older sisters, all widows, my dad died at age 61, and all those deaths were cancer related, all of those folks had one thing in common and that was they all smoked at one time or another at different points or periods in their life, but that was a common denominator. So, just to give you an idea of how addicting smoking and the products are, I had a coworker many years ago that her husband was - had surgery on a tumor in his brain, or near the brain. When he woke up from surgery, he didn't recognize his family. Didn't know the name of his wife or kids. When they asked him if there was anything he needed, he said 'yeah, I could go for a cigarette.' It's amazing. So, I know it is true that these products are banned for kids, but just their mere presence creates availability. And I'll ask you to go home and have a conversation if you have children in middle school or high school or grandchildren in middle school or high school, ask them what they see in school, because it is rampant in our schools. It is rampant in our schools. It is a problem. And one has to question, you know, the mission statement and the motives of an industry that knowingly markets a product that is harmful to all consumers, not just kids, all consumers, all right? But many of

those folks are children. So, I urge you to vote in support and thank you for the opportunity to speak.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Moore.

Senator **MOORE**: Thank you, Mr. President. I rise in opposition of the motion on the Floor. This bill prohibits the sale and distribution of flavored tobacco products including flavored cigars and electronic smoking devices. Statistically through the years, we have seen a huge increase in the use of vaping products, specifically with the youth. As members of the HHS committee, we identified the problem and raised the minimum age to 21. We also realized purchases were being made online by our youth. We implemented the policy whereby no online vaping or tobacco products could be shipped to the State of Maine. The bill before you is now prohibiting flavored products from consenting adults. Who are we to tell an adult what they can and can't do when it comes to their smoking, chewing, vaping preference? What are we going to ban next? My wine? I certainly hope not. This bill will also greatly affect businesses across the state. Numerous facilities across the state offer these flavored tobacco products. What happened to our motto, Maine is open for business? Besides the fact, the state could possibly or faces to lose $24 million per year in tax revenue alone. We heard hours and hours of testimony touting the vaping problem with our youth. If this is the case, why are we not enforcing the laws already in place? Why should we ban something that is legally available for an adult's pleasure if they choose to use it? If flavored vaping liquids is what attracts the youth, perhaps that's the market we need to examine as legislators, similar to the action being taken by the FDA, as it continues to deny marketing efforts of approximately 6500 flavored e-cigarette products. I would encourage you to vote no on this motion and consider my Amendment "B" that would prohibit a person from selling, distributing, offering to sell or distribute, giving or furnishing flavored vaping liquid that has not obtained a tobacco product clearance order or a modified risk tobacco product order from the FDA. Thank you, Mr. President.

THE PRESIDENT: The Chair would advise people not to speaking about other reports. The Chair recognizes the Senator from York, Senator Harrington.

Senator **HARRINGTON**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand in opposition to the pending motion and stand on behalf of the dozen or so businesses in my district living in a border community. I have a Cumberland Farms in Rochester, New Hampshire, about 200 feet from the state line, so this bill will effectively do nothing in my district to stop people from using these products, they will just go across the state line those extra 200 feet and buy these products. And furthermore, I think we should look at the carbon footprint of making people have to drive those extra few miles to buy these products. I think we have a real chance to save the planet here by keeping these people driving closer to home. Thank you.

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

Senator **BRENNER**: Thank you, Mr. President. I want to start out by mentioning two things related to the idea that flavored vape products have a role in smoking cessation, which they don't. There is no e-cigarette that's ever been approved by the FDA for tobacco cessation, and leading public health authorities including the CDC have determined that there is insufficient evidence that e-cigarettes can help people quit smoking. This bill is not the end of tobacco flavored vaping which perhaps could still have that role for the good Senator's wife, but there is no scientific evidence that that is - that flavored vaping tobacco products have that benefit. And as a Senator and a nurse midwife and, most importantly, as a mother, I rise in strong support of the pending motion. Tobacco companies have targeted young people in high school for years. There's documented proof that middle school and high school students are targets for the tobacco industry, as my colleagues have mentioned. Their own internal documents refer to this age group as replacement smokers a group of individual tobacco companies hope to hook while they're brains are still developing. And I feel like I want to share this story with you. I asked my daughter if I could, she gave me permission, walked into her room one day and I found two handfuls of vapes. This is my teenage daughter. A little heartbreaking. There of course are more heartbreaking things that can happen, but she's extremely forthcoming with me in terms of her information about what this - how this - how this happens. So, the flavors that exist are things like banana ice, bubble gum, cotton candy, fruit loops, and they're not made to attract adults, they're made to attract children. And there is an emoji for every flavor of a flavored vape. And you get on snapchat and you put your emoji in, with the person that you would like to make the connection with, you Venmo them and meet them in the bathroom and you get your little cartridge. That's how that works. That's how kids get the vapes, and they get them in droves. Tobacco companies know that the taste of combustible, unflavored cigarettes is sometimes too harsh for young adults, which is why flavored tobacco products are on the market. These are the type of products that are the problem. Tobacco companies, I'm sure, are aware of the statistics showing that one in three Maine high school students have used e-cigarettes, one in five are currently using a tobacco product. These rates are well above the national average. To you and me, that should be a problem. Tobacco companies, to them, that's a success story. I'm sure tobacco companies are aware that 85% of middle school and high school students who use e-cigarettes are using flavored products. That's why they are fighting tooth and nail to keep these products for sale here in our state of Maine. Menthol cigarettes are quite possibly the most dangerous flavored tobacco products. Menthol numbs your throat, making smoke easier to inhale more deeply. This means it's easier for youth to start smoking and become addicted to cigarettes. My mom, who smoked for 50 years until she had some health issues, told me you could just put some mint gum in there and smoke the cigarette, it'll be menthol, don't worry about it. I'm not sure I would keep smoking with - anyway, that's my mom, we won't get into my mom right now. Anyway, I just - I'll conclude by saying that this is not a bill about freedom of choice, it's not a bill about prohibition, this is not a bill that would take away nicotine or vaping for harm reduction. It does not create any criminal or civil penalties for buying or using or possessing flavored tobacco. It does not limit the use of e-cigarettes for any purpose, including harm reduction. What it does is it ends the sale of flavored tobacco products, which are clearly marketed towards our youth. I don't want my kids embarking on a lifetime of addiction, and I don't want your kids embarking on a lifetime of addiction. It's not fair to them to be targeted by an industry with deep pockets, and that industry will spare no expense to get our children hooked.

They're putting their profits ahead of our children's safety, and I've had enough of it. I'll be voting in favor, and I thank you for listening.

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

Senator **TIMBERLAKE**: Good afternoon, Mr. President. Ladies and gentlemen of the Senate, I was just looking online, and you can pass this bill if you want, and you can buy them right online, $51 a pack, delivered right here to Maine. So, you're not going to stop that part. But I think the thing that amazes me the most as I've sat here for the last two days, and I haven't pushed the button once to speak, Mr. President, but I've watched us tonight pass a bill to sell cannabis offsite at premises. I've watched us put 11 cannabis stores in my hometown of Turner over the last few years. I've watched us do all of these things, and now we're going to try to tell consenting adults what they can and what they can't buy. I think it really amazes me that we're here. We're almost -- I look at myself as being almost two-faced if I supported this, because you just can't do that. You can't say we want to sell you marijuana and everything else that you can stop by and smoke and it has an age limit on it just like cigarettes have an age limit on it, you can't have it both ways, ladies and gentlemen. It just can't be done. I don't know how you could support the pending motion the way it is. It's not fair. It's just not fair to what you're doing to the people of the State of Maine. A $24 million fiscal note on it per year. Anyway, I just thought we ought to talk about maybe some hypocrisy that's going on when you pass a bill like this versus the other stuff that we do in this building. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-397). 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 (#435)

YEAS: Senators: BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BENNETT, BLACK, BRAKEY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, LIBBY, LYFORD, MOORE, POULIOT, RENY, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397)**, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-397) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

RECESSED until 10:30 in the evening.

After Recess the Senate was called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Clarify the Criminal Statutes with Regard to Assaults on Emergency Medical Services Persons"

S.P. 453 L.D. 1119

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-360)** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-361)** (4 members)

Tabled - June 21, 2023, by Senator **VITELLI** of Sagadahoc

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 21, 2023, Reports **READ**.)

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-360)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-360) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-360)**.