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Health and Human Services Committee  
100 State House Station,  
Augusta, ME 04333

RE: LD 2157 An Act to Prohibit the Sales of Tobacco Near Schools

Members of the Health and Human Services Committee, I am submitting my testimony against LD 2157 An Act to Prohibit the Sales of Tobacco Near Schools.

C. N. Brown Company is a third generation, family owned company that owns and operates 63 Big Apple convenience stores and 7 service stations that employs over 800 people in Maine.

C. N. Brown Company understands that tobacco is detrimental to people's health. We have absolutely no interest in selling tobacco to the youth in our state. We have training, policies and procedures in place to ensure, to the best of our ability, that tobacco products do not end up in the hands of our kids. In fact, we take this so seriously that in the rare instance an employee is found in violation of the law regarding underage tobacco sales they are immediately terminated. Retailers like us are on the front-line protecting young people in the State of Maine and we take that responsibility very seriously.

There are many unanswered questions based on the limited verbiage in this bill. Without clarification of these questions, retailers can't determine how detrimental this bill will be to their business or if it will affect them at all.

- How is "Main Entrance" defined? Is this the front door into a retail establishment/school or the driveway entrance?
- Who and how is the "Main Entrance" of a school defined? Schools have multiple entrances. Student entrances, visitor entrances, etc.
- Who is deciding which retailers will be affected by this prohibition? Who is measuring the distances from "Main Entrances" and where are the guidelines on how these measurements will be determined?
- How will retailers be notified that their license will be revoked if this bill passes? Will they not know until they renew and are denied?
- Is there going to be an appeal process for retailers if they disagree with whoever determines that they will have their tobacco license rescinded or denied based on this law?
- The bill states that a new or renewed license will not be issued if the school is in existence at the time the application is made. If a new school is built within 1000' of a retailer that is an established business with an existing tobacco license, that business will lose their tobacco license at time of renewal?
- How does a retailer know if there is a "public preschool program" within 1000' of their establishment? Public and private elementary, middle and high schools are easily

distinguishable with their signs. Retailers have no way of knowing if a preschool exists 1000' from their establishment or if it is public or private.

The State of Maine has laws on the books that makes it illegal for tobacco products to be sold to minors, just like alcohol. Why are there no penalties for tobacco possession by a minor like there are for alcohol? When a minor is found to be in possession of tobacco, are they asked how they were able to obtain the product? The majority of minors illegally possessing tobacco products are getting the product from adult tobacco users, not from retailers. How often has an adult been cited for providing tobacco products to a minor? If the state is trying to keep tobacco products out of the hands of minors shouldn't the same laws that apply to alcohol, that have been quite successful, be implemented and enforced for tobacco? All responsibility and consequences of youth tobacco usage should not lie solely on the shoulders of retailers.

Tobacco products make up 35% of our inside sales. We cannot survive

This bill puts existing businesses in great peril. Retailers who have done nothing wrong, broken no laws, applied, paid for and been granted a license will have that license revoked for absolutely no wrongdoing on their part. This bill will put some retailers at a great disadvantage to a competitor right down the street because that competitor falls outside the 1000' range of this prohibition. Tobacco products make up 35% of our inside sales. This does not account for any sales of other items purchased with tobacco products. Adult tobacco consumers are not going to stop at one location to buy their tobacco products and then drive down the street to purchase their gas, coffee, lottery, etc. That retailer that can no longer provide the products that their adult tobacco consumers want are going to lose that customer entirely. We cannot afford to lose 35% of our sales and stay in business.

To arbitrarily effect the business, livelihood, retirement, etc. of one retailer over another is not the Maine way, and for what gain?