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HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure a Uniform Comprehensive State Policy Regarding Residency Restrictions for Sex Offenders"

H.P. 292 L.D. 385

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-474)** (11 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-475)** (1 member)

Report "C" - **Ought Not to Pass** (1 member)

Tabled - June 3, 2009, by Senator **GERZOFISKY** of Cumberland

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, June 2, 2009, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)**.)

(In Senate, June 3, 2009, Reports **READ**.)

Senator **NUTTING** of Androscoggin moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)**, in concurrence.

On motion by Senator **RAYE** of Washington, 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 York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President. Men and women of the Senate, this report affects my district quite a bit and I have some real concerns about it. Unfortunately I'm fumbling through, to get to my notes on the report. It appears that this report, and please feel free to correct me if I'm wrong, creates a setback requirement from schools, where sex offenders may live, of 750 feet. In my district, in the towns of Lyman and Waterboro, they already have an ordinance that is at 2,500 feet. This bill will preempt their ordinance. It will tell the people in my district, in my towns, that this is not permissible. It tells them that the Legislature knows better. I think that this really concerns me because these rule areas in Lyman and Waterboro are very, very different from some of the more urban areas like Portland. I don't think that this report really takes into account the different demographics across the state. So, with that I would encourage you and request that you vote Ought Not to Pass and vote against the pending motion and move Ought Not to Pass. Thank you.

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

Senator **NUTTING:** Thank you, Madame President. Ladies and gentlemen of the Senate, I urge you to support the pending motion. I think what the Senator from York, Senator Courtney's

point is really why the vast majority of the committee, in a bipartisan way, supported this report. Having each community with a different set of rules makes it almost impossible for the State to try to place these people with some place to live. The 750 feet was a compromise. It was worked out in committee after more than one work session, to have some consistency from community to community, so that the State, the Department of Corrections, and others has some consistency in helping to find a place for these folks to live. We need to know where these people live. To have some communities at 2,500 feet, you almost drive these folks to live under a bridge somewhere and then you don't know where they are. It's better, the Department of Corrections pointed out, to know where they're living and to have at least some distance from public and private elementary, middle or secondary schools. So I urge you to support the pending motion. Thank you.

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

Senator **DAVIS:** Thank you, Madame President. Ladies and gentlemen of the Senate, I voted against L.D. 385 for the following reasons. I thought the towns should have the right to be able to regulate their problems locally. I co-sponsored a bill that Chief Chitwood of Portland wanted sponsored. I gladly co-sponsored it because he didn't have control of where sex offenders live. Some of these people are very dangerous people. Not all, but some are very dangerous people. So I plan to vote against this. I don't think at this time that this is necessary and the courts are going to render a decision soon. I think we really should wait until we see what the courts will do. I don't think it's the time for this bill. Thank you.

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

Senator **COURTNEY:** Thank you, Madame President. Ladies and gentlemen of the Senate, just a couple of brief comments. The reason the local communities had to act is because the State wouldn't act, back two years ago and four years ago. The local communities were dealing with this right at their doorstep and had to act immediately. They did go through a process where they looked at the legal protections and made sure they could find an ordinance that would work, and that would withstand a challenge. The process of how this happened is probably been what's most troubling. I understand that there was a working group out of the committee. I'm not completely familiar with it. I was unaware of it until I found out about it after. I think I read in the Maine Municipal Association that one of the representatives who represents both Lyman and Waterboro was on this working group and was working to come up with a compromise. When I called home, he hadn't even been in communication with the local officials. So I really am concerned about this. I'm concerned about the State preempting these local ordinances. These people live there every day. They have to deal with the consequences of this decision. I think that this one needs a little bit more work. If we're going to do a statewide ordinance, at the very least, protect the ones that already exist. If we're going to change something in the future, look at the difference between urban and rural. Thank you, Madame President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Nutting to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-474). 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 (#160)

YEAS: Senators: ALFOND, BLISS, BOWMAN, BRANNIGAN, CRAVEN, DAMON, DIAMOND, GOODALL, MARRACHE, NUTTING, PERRY, RECTOR, SCHNEIDER, SIMPSON, SULLIVAN, TRAHAN, WESTON, THE PRESIDENT - ELIZABETH H. MITCHELL

NAYS: Senators: BARTLETT, BRYANT, COURTNEY, DAVIS, GERZOFSKY, GOOLEY, HASTINGS, HOBBS, JACKSON, MCCORMICK, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SHERMAN, SMITH

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **NUTTING** of Androscoggin to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)**, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-474) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474)**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (6/2/09) Assigned matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Access to Nutrition Information"

H.P. 878 L.D. 1259

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-481)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - June 2, 2009, by Senator **BARTLETT** of Cumberland

Pending - motion by Senator **BRANNIGAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Requested)

(In House, June 2, 2009, 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-481)**.)

(In Senate, June 2, 2009, Reports **READ**.)

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

Senator **BRANNIGAN:** Thank you, Madame President. Men and women of the Senate, I think you may have heard about this bill. Somebody may have talked to you about it. It's an important bill that we've had in our committee this year. As you know there's a dramatic, almost called an epidemic, of obesity, and especially diabetes that goes along with it, throughout the country. So there's an effort to help people, all of us to help ourselves, in trying to bring that under control. There are a lot of facets toward exercise, the whole issue of eating and knowing what we're eating. There's a major movement in the country. For those places that are large and visited by many, many people across the country, a movement to allow people to see what the caloric content is of the foods they are eating. It's a national movement and it needs to be continued. We need to be part of that. We're very delicate in the piece we have. You have to have 20 restaurants across the country. It's for those kinds of large chains. It doesn't go into effect for a couple of years, giving time to this whole issue to mature. I think it's very necessary for Maine to be part of the whole movement and I hope you will support the Majority bipartisan effort in our committee. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you, Madame President. Men and women of the Senate, this legislation is a bill that actually, in some variation or form, has been heard by the BRED Committee several times in my experience there. While I respect those who would like to provide access to information, I would contend that this access is available currently. You can go into any McDonald's and ask them for information. They'll provide you with a sheet that gives you not just caloric content, but nutritional value and salt and a variety of other things that might be of interest to you if that's your concern. Currently there's nothing preventing any restaurant that wants to do this. I think if it were particularly compelling by the public, we would see market forces moving us in that direction. That hasn't been the case. I think people tend to eat out, and choose to eat out, because they want to take advantage of sort of setting aside what might be their concerns about nutrition and treat themselves in a way that might be meaningful. Also it's interesting to me that 19 years ago we instituted labeling on food packaging and yet in the 19 years since then we've seen obesity increase about 70% in the United States. I'm not sure that information is the answer here. I think education might be the answer. I'm not sure that access to information is going to necessarily make a difference. I would just urge you to defeat this motion and I thank you for your time.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Marraché.