

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fourth Legislature

State of Maine

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Pages 1 - 1159

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-352) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Repeal the School District Consolidation Laws"

I.B. 4 L.D. 977

Reported that the same **Ought Not to Pass**.

Signed:

Senator:

ALFOND of Cumberland

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-257)**.

Signed:

Senators:

SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

RICHARDSON of Carmel
McFADDEN of Dennysville
JOHNSON of Greenville

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **ALFOND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you, Mr. President. Men and women of the Senate, I hope you will defeat the pending motion. I have heard nothing but complaints about this law since we passed it. Unfortunately, because it was imbedded in the budget, it was a situation where we could not take a clear up and down vote. Now is our opportunity to show how we truly feel about this piece of legislation which we passed. I think that there are opportunities for consolidation. I know within my own district there have been many movements made to work to reduce costs and work collaboratively with various administrations and deal with costs within school units. So I hope to defeat the pending motion, and I hope you'll join me. Thank you very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Waldo, Senator Weston.

Senator **WESTON:** Thank you, Mr. President. Men and women of the Senate, I had an opportunity to listen to the other Body debate this bill yesterday. I listened very intently in our committee. There was one argument that was used that I would like to explain. The argument that I heard most frequents was that people worked really hard to collect the signatures for the referendum to repeal school consolidation, so what they want is for us to say, no here in the Legislature, and let it go out. Well actually I don't think that's the case. They went out and got signatures and the question was to repeal. They want the Legislature to repeal. So, don't be afraid. Don't worry about they'll be upset. Say yes. This was a top down, paced far too quickly bill. If you remember when we passed this bill, when we had the fix it bill a year later, many members of this Body stood and said that this wasn't going to work, it has lots of problems, but we can fix it. The people have spoken. They signed the papers and they say we want something better. Let's speed them along that better path and reject this motion and vote to repeal. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am going to be voting against the Majority on this and I'm going for the Minority Report. I think that, unfortunately, whenever we've had this issue, I think it kind of started with the 55% referendum. I was in the other Body then. I was one of a few that voted for the 55% for communities to get for education. I was under the impression that 55% going to the towns to go to education would relieve property taxpayers to some extent. I think at the time we were at 43%. If we were to ramp up to 55%, I'm not sure if we ever did get to 55%, but we certainly are below that now. The 12% should have gone back out to property taxpayers. I think the State did at least increase that. The people, at least in my areas, never really did see the property tax rebate from the municipalities. When this opportunity for consolidation came along, I did think there was some merit to

it. I did think that it could be done to some extent to save some money for the State and property taxpayers. I voted for it, knowing that it was a leap of faith, but I did support its intent. That Summer after we were able to get out and these RSUs started meeting, in the town I live in the town manager asked me to serve in that capacity. I made a lot of the meetings to begin with. It became clear to me that, at least in my area, it just wasn't going to work. The primers that were in the law were just too cumbersome to make a place like, at least my area and many others in the state, work. I thought maybe if there was an ability to lower the amount of students and have people consolidate it might work. What you were doing was taking the entire top rim of Aroostook County and saying that within 150 miles you have to consolidate. You took everybody into that mix and if just one said no then you were done. Where else are you going to go? To New Brunswick, which we have all kinds of issues with that. So it became clear to me that I made a mistake by supporting it. I still like the intent. It's become clear to me that one size fits all does not work, especially in a state like Maine, and that's what we have. I don't think my good seatmate is trying to rob me, or anything like that. I've been tormented about that. I think the state is big, diverse, and everything doesn't work in one nice little package. I think at times, sometimes leadership means that you made a mistake and you admit to it. I think that's what the Legislature did and that's why I'll be supporting the Ought to Pass Report.

On motion by Senator **MARRACHÉ** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **ALFOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit the Delivery of Tobacco Products to Consumers To Prevent the Sale of Tobacco Products to Minors"

H.P. 850 L.D. 1230

Reported that the same **Ought to Pass**.

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PERRY of Calais
JONES of Mount Vernon
SANBORN of Gorham
CAMPBELL of Newfield
STRANG BURGESS of Cumberland
EVES of North Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-438)**.

Signed:

Representatives:

PETERSON of Rumford
JOY of Crystal
LEWIN of Eliot
STUCKEY of Portland

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass** Report.)

Comes from the House 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" (H-438)**.

Reports **READ**.

Senator **BRANNIGAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you, Mr. President. Men and women of the Senate, there are two Ought to Passes on this bill coming out of Health and Human Services. Both of them seek to make it illegal to import through the mail, or any other delivery system, tobacco cigarettes. If we pass this we will become the eleventh state to do so. If we pass it in the form that's suggested we will be the third state to not include large cigars. There was an exemption in the Minority Report that says if you engage in the adult habit of smoking a cigar, we recognize that you are an adult and you should have access to the things that you enjoy. Young kids don't like cigars. They might think they do, but after they try it, they're going to be in the bushes heaving. They tend not to go back. You have to learn how to smoke a cigar. I've been taught. I enjoy a cigar, believe it or not. I'm an adult and I should be able to order them, have them delivered to me, get the one I want, know that it's fresh, and I should be able to do it if I live in Wallagrass or if I live in Kittery. I hear there's a swanky place in Wallagrass, that's why I bring it up. It's simple. Let's get in to what we really need, keeping tobacco products out of the hands of children. We can do it while allowing our adults to participate in a fully legal activity. It's time Maine joined the grownups. I don't think that by carving out this exemption that we're going to be stepping back in time. I think that the intent of the bill is still preserved while actually recognizing that adults can do legal things. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Perry.

Senator **PERRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I was just sitting here thinking some of you might wonder what my thoughts were on this bill, so I thought