

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Eighteenth Legislature
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Pages 1 - 980

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/13/97) Assigned matter:

Bill "An Act to Permit Municipalities to Restrict the Sale of Tobacco Products" S.P. 72 L.D. 211

Tabled - March 13, 1997, by Senator **PINGREE** of Knox.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 4, 1997, **READ TWICE** and **PASSED TO BE ENGROSSED**.)

(In House, March 12, 1997, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-4) in NON-CONCURRENCE**.)

On motion by Senator **MILLS** of Somerset the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED**.

House Amendment "B" (H-4) **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Madam President, men and women of the Senate. The Bill in its present posture, comes up from the House as an amendment. You may recall that the substance of this Bill is that it removes the preemption against local municipalities and acting, if they wish, ordinances that might deal with the sale of tobacco products. The Bill comes back to us from the House amended to say that the municipality, before considering such a ordinance, must give notice by mail, thirty days in advance to all of the known tobacco licensees. Regrettably, the amendment from the House says just that; Meaning, if you read it quite literally, every tobacco licensee, presumably in the State of Maine, which is not obviously the intent of the drafter, I assume, I, if you will permit me to strip the amendment, the House amendment, off, we have a redrafted Senate amendment B to offer, which will clarify that the notice must be given indeed, but, only to those tobacco licensees who are within the confines of the municipality. And, I would personally be content with the amendment as drafted in that form; So at this juncture, renew my motion to indefinitely postpone House Amendment B.

On motion by Senator **MILLS** of Somerset, House Amendment "B" (H-4) **INDEFINITELY POSTPONED in NON-CONCURRENCE**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Thank you Madam President. I now present Senate Amendment B under filing number S-18 and I move its Adoption and I request just to speak briefly to this motion.

Madam President, once again, the purpose of this amendment is to add four or five words to the House amendment and I think we could have done it by amending the House amendment, but instead, the paperwork I was given entailed stripping the House Amendment and putting in our own. I want to reassure people that what we've done with Senate Amendment B, that I'm proposing, is simply to add in the words "within the municipality", so that the obligation of the municipality to give notice of the proposed ordinance would be to give notice to the tobacco licensees that are within the boundaries of the municipality and that is the sole purpose of this Amendment. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-18) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President Pro Tem.

Off Record Remarks

Senator **RAND** was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **KIEFFER** was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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On motion by Senator **RAND** of Cumberland, **RECESSED** until the 4:00 in the afternoon.

After Recess

Senate called to order by the President Pro Tem.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Papers